

Reference: 02200205

Information Requests
information.requests@ofcom.org.uk

22 July 2026

Freedom of Information request: Right to know request

Thank you for your request for information about evidence supplied to Ofcom regarding X's anti terror commitment.

We received this request on 16 May 2026, and you provided clarification on 16 June 2026. We have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

As per your web page at

<https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/ofcom-statement-on-xs-commitment-to-bring-in-new-protections-to-tackle-illegal-hate-and-terror-content>

You state:

'As part of this, we have received and independently reviewed evidence from a number of expert organisations including British Future, the Antisemitism Policy Trust, Center for Countering Digital Hate, Community Security Trust, Good Law Project, HOPE not hate, Tech Against Terrorism and Tell MAMA.'

I would be grateful for the provision of copies of the evidence supplied from these organisations from which you have utilised to form your opinions.

When asked which 'opinions' you referred to in your original request, you provided the following:

Your original press release stated.

'Ofcom launched a compliance programme to assess...'

and

'We have worked with a range of organisations to gather evidence...'

As it could be argued that some of the included organisations are partisan and/or have vested interests, I am seeking details of the evidence used as part of your assessment from which it may be reviewed accordingly.

Our response

Please find attached some information within scope of your request.

However, we are unable to disclose some information as we consider that its disclosure is exempt under the FOI Act. In particular, under section 44 of the FOI Act, information is exempt from

disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003 (“the Communications Act”). Under this section, we are prohibited from disclosing information with respect to a particular business that has been obtained in the exercise of our regulatory functions, unless that business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the public interest test.

Additionally, some information is being withheld as we consider it 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.

However, we do publish documents and information on our consultations and investigations, which you may find helpful and can be found through the links below:

[Online safety regulatory documents and guidance](#)

[Consultations and statements](#)

[Enforcement](#)

[Online Safety industry bulletin – June 2026](#)

[Ofcom issues update on Online Safety Act investigations](#)

Finally, we also consider Section 31(1)(a) of the FOI Act applies to some of the information within scope of this request. This part of the act deals with information that, if disclosed would, or would be likely to, prejudice the prevention or detection of crime.

Section 31(1)(a) of the FOI Act is a qualified exemption which means that we have had 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 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.

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

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 relevant information requested

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/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 this letter, please contact information.requests@ofcom.org.uk.

Corporation Secretary

Date: 22 July 2026

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 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.
- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- The application of section 36 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
• Ofcom recognises that our work in relation to the Online Safety Act 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.	• The documentation in relation to which the exemption is claimed contains information provided to Ofcom by stakeholders, for the purpose of our regulatory functions, and Ofcom's assessment of any information or evidence provided. The information includes Ofcom's working assessments and theories on content online, which forms a key part of Ofcom's duties as the online safety regulator. The documents contain information and assessments in draft or early iterations which, if disclosed would prejudice Ofcom's ability to regulate effectively. • Ofcom colleagues need to be able to review and assess information provided by external organisations, having free and frank conversations about information received relating to our online safety duties. To disclose internal assessment of such information could inhibit this free and frank exchange of views, and prejudice the effective conduct of Ofcom's regulatory functions. • Given the above, disclosing such communications would also likely prejudice the effective conduct of public affairs.

	Ofcom continues to publish the outcome to investigations and consultation responses.
Reasons why public interest favours withholding information	
- 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 information obtained from external organisations for the purpose of Ofcom conducting its regulatory functions, and Ofcom colleagues' internal assessment of such information. - 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 ability to freely and effectively deliberate on and discuss such matters. - Whilst there may be some weight attached to the public interest in disclosing, we consider this is outweighed by the reasons for withholding the material.	

Annex C

Section 31 (1) of the FOI Act provides that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime;

Factors for disclosure	Factors for withholding
• Disclosure would promote general transparency with the public in relation to areas and stakeholders we regulate.	• As the online safety regulator, Ofcom has powers and duties relating to preventing illegal harms online. To disclose the requested information obtained from stakeholders regarding harm and terror content online may prejudice the prevention or detection of crime. • If offenders are aware of the way in which information is shared between Ofcom and stakeholders, or is tackled online, they may seek to circumvent measures in place to prevent illegal harms.
Reasons why public interest favours withholding information	
• Disclosing this information could cause harm and damage if disclosed. Those negative consequences would be prejudicial to the prevention or detection of crime and contrary to a strong public interest. • We consider that, on balance, the public interest in withholding disclosure of the requested information outweighs the public interest in disclosing the information.	