

Reference: 02214688

Information Requests
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15 July 2026

Freedom of Information request: Right to know request

Thank you for your request for information about Southport evaluation letter to Secretary of State, 22 October 2024, and paragraph 3.9 assessment records.

We received this request on 19 June 2026 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request & our response

Background

Ofcom's response to my earlier request disclosed that on 22 October 2024, Ofcom wrote to the Secretary of State setting out its evaluation of how platforms responded to the disorder that followed the 2024 Southport attack, and that this letter stated that Ofcom's additional codes consultation would include a new crisis response protocol measure. Ofcom further disclosed that work on the crisis response protocol commenced on 23 October 2024 — the day after that letter.

Ofcom's response also confirmed that the criteria governing decisions on whether to open an investigation or take other action are set out in paragraphs 3.8 and 3.9 of the Online Safety Enforcement Guidance published 16 December 2024. Paragraph 3.9 lists priority factors including the risk of harm and seriousness of alleged conduct.

Requests

I request the following specific information, to be treated as severable:

1. The Southport evaluation letter

(a) The letter from Ofcom to the Secretary of State dated 22 October 2024, setting out Ofcom's evaluation of how platforms responded to the disorder following the Southport attack, is an Ofcom-authored document. Please confirm that Ofcom holds this document.

(b) Please disclose the letter, or — if any part of it engages an exemption — the parts that do not, including at minimum: the date, the addressee, and the section headings or subject matter designations used within the document.

I note that this document is not information obtained from a regulated service in the exercise of Ofcom's regulatory powers and does not engage Section 393(1) of the Communications Act 2003.

This letter is publicly available on our website [here](#).

2. Paragraph 3.9 priority factor assessment: Belfast disorder

(a) Does Ofcom hold any written document — whether as an initial assessment record, briefing note, internal advice, or equivalent — in which the priority factors set out in paragraph 3.9 of the Online Safety Enforcement Guidance were applied or considered in relation to the civil disorder that commenced in Belfast on 9 June 2026?

(b) If so: what is its title or designation, on what date was it produced, and at what level of seniority was it authored or approved?

I am not requesting its content at this stage.

In response to questions 2(a) and 2(b) we neither confirm nor deny whether we hold information in scope of your request, pursuant to s31(3) of the FOI Act.

We consider that confirmation or denial of whether the information is held would, or would be likely to, prejudice the exercise by Ofcom of its functions per s31(1)(g) for the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise, as per s31(2)(c).

Section 31 of the FOI Act is a qualified exemption which means that we have had to consider whether or not the public interest in disclosing information, which we can neither confirm nor deny holding, outweighs the public interest in withholding any potential information. In this case, we consider the public interest favours withholding any in scope information. The attached Annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

3. Clarification on the Question 3 answer

Ofcom's response to my earlier Question 3 stated that no decision was made within the scope of my question, because the open letter of 10 June 2026 was sent as conducive to Ofcom's statutory objectives and does not preclude other actions.

(a) Does Ofcom's position mean that the open letter of 10 June 2026 was issued without any application of the paragraph 3.9 priority factors to X specifically or to any other named regulated service?

The factors set out in paragraph 3.9 relate to decisions on when enforcement action will take place. The open letter sent on 10 June was not a letter regarding the undertaking of enforcement action, but was rather a separate decision made without prejudice to any subsequent decisions regarding enforcement action. Therefore paragraph 3.9 was not applicable to the decision of sending the open letter.

(b) If a paragraph 3.9 assessment was conducted in relation to any named regulated service in connection with the Belfast disorder, please confirm that such a record exists without identifying the service, and state the date on which it was produced.

Please see our response to 2(a) and 2(b) above.

Yours sincerely,

Information Requests

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

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 –

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2);

Section 31(2) provides that the purposes referred to in subsection (1)(g) include:

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,

Section 31(3) of the FOI Act provides that the duty to confirm or deny does not arise if, or to the extent that compliance with section 1(1)(a) would or would be likely to, prejudice any of the matters mentioned in subsection (1).

Factors for disclosure	Factors for withholding
• If we were able to confirm that we held any information, disclosure of it would promote general transparency with the public in relation to areas and stakeholders we regulate. • Ofcom is mindful that our regulatory actions in relation to Online Safety are of particular interest to the public.	• The requested information relates to Ofcom's consideration of enforcement action against platforms. • There is a strong public interest in protecting the ability of Ofcom to effectively monitor and determine whether regulatory action is justified under the Online Safety Act. • We consider that confirming or denying the status of Ofcom's assessment of enforcement action would be prejudicial to Ofcom's ability to effectively enforce against platforms if required. • Ofcom's enforcement actions are transparent, and we regularly publish information regarding investigations on our website. Where considerations regarding enforcement action are ongoing, it is important that Ofcom can make such decisions without disclosing the status of initial considerations, to allow for colleagues to reach thorough and fair conclusions.
Reasons why public interest favours withholding information	
• If we did hold any 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 neither confirming nor denying whether we hold the requested information outweighs the public interest in disclosing the information if any was held.	