

Reference: 02125877

Information Requests
information.requests@ofcom.org.uk

2 March 2026

Freedom of Information request: Right to know request

Thank you for your request for information concerning costs, accrued penalties and communications - 4Chan and Kiwi Farms. We received this request on 5 January 2026 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act"). We wrote to you on 30 January 2026 to say we needed more time to consider the public interest in withholding or disclosing the information requested, and this has now concluded.

Your request & our response

I would like to request the following information regarding Ofcom's regulatory activities and subsequent litigation involving 4chan (4chan Community Support LLC) and Kiwi Farms (Lolcow, LLC):

1. Legal Costs: The total amount of expenditure incurred by Ofcom to date (including external counsel fees and court fees) in relation to the lawsuit filed by 4chan and Kiwi Farms in the U.S. District Court for the District of Columbia.

Whilst we hold this information, it 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 B attached to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

2. Fine Statistics: Confirmation of the total amount currently accrued in daily penalties against 4chan following the "Confirmation Decision" issued in October 2025 regarding their failure to comply with statutory information requests.

In our Confirmation Decision, published on 18 November we stated:

"5.36 *In the event of continuing non-compliance, Ofcom is also imposing a daily rate penalty at a rate of £100 per day starting from 14 October 2025 (the day after the date this Confirmation Decision is issued) until whichever is the sooner of:*

- i) the date the 102(8)(a) duty is complied with in relation to both Notices;*
- ii) the date of the first final decision ending the investigation announced on 10 June 2025 into suspected breaches of section 9(2) and/or 23(2) of the Act; or*
- iii) 60 calendar days starting from the day after this Confirmation Decision is issued.*

5.37 *We consider that capping the daily rate penalty at 60 calendar days is appropriate and proportionate to the nature of the breach."*

The full statement can be found here:

<https://www.ofcom.org.uk/siteassets/resources/documents/enforcement/2025/online-safety/illegal-and-harmful-content/4chan/4chan-confirmation-decision-non-confidential.pdf?v=407997>

Following the completion of the 60 calendar days, the maximum penalty of £6,000 has been imposed. Details of the fines imposed are published on our website and can be found [here](#) in the financial penalties imposed between 1 April 2025 and 31 March 2026 section.

3. Communication Records: Any internal briefing notes or high-level summaries prepared for Ofcom senior management between June 2025 and the present day regarding the jurisdictional challenges raised by U.S.-based platforms under the Online Safety Act 2023.

We can confirm that we hold information in response to this request, however we consider it is exempt from disclosure under section 42 of the FOI Act. This deals with the exemption of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the 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.

4. Service of Process Policy: Any internal guidance or policy documents held by Ofcom concerning the procedure for serving statutory notices to entities based in the United States, specifically regarding the use of the U.S.-UK Mutual Legal Assistance Treaty (MLAT).

Ofcom's Online Safety Information Powers Guidance sets out Ofcom's approach to online safety information gathering, and service of information notices: [Online Safety Information Gathering Guidance](#).

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

Section 42 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> Ofcom recognises that its implementation of 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 reflects internal briefings and high-level summaries prepared for Ofcom senior management regarding jurisdictional challenges raised by U.S.-based platforms under the Online Safety Act 2023. These briefings and summaries contain information which is subject to legal professional privilege, as the information was made for the purpose of providing or obtaining legal advice about ongoing, or contemplated litigation.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> It is in the public interest that decisions taken by Ofcom in relation to policy development, enforcement, and litigation are taken in a fully informed legal context, where relevant. Ofcom therefore needs high quality effectively obtained legal advice for the effective conduct of its business. That advice needs to be given in context, and with a full appreciation of the facts. It needs to be sought and given in a timely fashion to ensure that policy develops in a fully informed way. Legal advice cannot be effectively obtained unless Ofcom is able to put all the facts before its in-house legal advisers or external counsel without fear that they may afterwards be disclosed and used to its prejudice. Without such effectively obtained advice, the quality of Ofcom’s decision making would be much reduced because it would not be fully informed and this would be contrary to the public interest. 	

Annex B

Section 43(2) of the FOI 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"> Enabling the public to gain a better understanding of the commercial relationships between Ofcom and third parties and the nature of the services provided, and thereby increasing public confidence in Ofcom’s work. 	<ul style="list-style-type: none"> Ofcom continues to negotiate and require external legal services like those related to this request. To release the specific information requested would likely put Ofcom in a detrimental position for future fee negotiations by undermining its bargaining position with potential legal service providers. In addition, the release of the detailed amount Ofcom paid would likely prejudice the commercial interests of the legal service provider too – in that it would provide details of negotiated fees to its competitors or potential clients. 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 relating to the charges for services, will not be disclosed if it would, or would be likely to, prejudice their commercial interests. Releasing companies’ commercially sensitive information might deter them from partaking in our procurement exercises in the future or providing us with services.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> We consider that, on balance, the potential prejudice to commercial interests outweighs the public interest in disclosure of contractual value, amount paid and the full contract. Ofcom publishes information on its annual expenditure in its Annual reports and plans (see specifically the section on “Financial Statements”), and we have pointed to our published standard terms of supply. 	

contd.....

- 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 organisations 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 them. 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 details about the cost of these services were disclosed.
- While transparency in the use of public money is important, Ofcom already publishes broad financial data in its annual reports and accounts, which generally include expenditure on professional fees. For example see this: [The Office of Communications Annual Report and Accounts 1 April 2024 to 31 March 2025](#) - this report's "Professional fees" on page 162 included provision for a legal case that financial year.
- Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information.