Reference: 02302688

Information Requests
information.requests@ofcom.org.uk

10 November 2026

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning search and cost records for 02269751 & 02284871.

We received this request on 15 October 2026 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

"This is a new request under the Freedom of Information Act 2000 for recorded information about the handling of request 02269751 and internal review 02284871.

It does not withdraw, replace or concede the challenge to the original request of 19 August 2026. I am separately referring that refusal and review to the Information Commissioner.

Scope

Please limit the search to the FOI and internal-review case files for those two references, together with the supporting team responses and search/cost records supplied or relied upon in handling those cases between 19 August and 15 October 2026 inclusive. I am not asking you to repeat the underlying age-assurance policy searches.

Please provide the following existing records, or the relevant extracts from them:

1. Cost estimates
Any worksheets, calculations or recorded team/individual estimates relied upon for the section 12 refusal or its review. This includes the estimate from the colleague said in the review to require more than 18 hours, and any recorded allocation of estimated time to determining whether information is held, locating, retrieving or extracting it.

2. Preliminary searches and sampling
The existing records of the preliminary or indicative dip-sample keyword searches mentioned in the review, insofar as recorded: search terms, systems or locations, date filters, result counts or record volumes, sample sizes, timings, and assumptions or extrapolations used to reach the estimate. Please include any recorded adjustment excluding time spent considering exemptions or redaction.

3. Locations already identified

Any titles or references of final risk assessments, risk-register entries, decision-stage evidence assessments or decision/change logs, and their holding teams or locations, that were already identified in those case files or supporting team responses when investigating my original request. This is not a request to create a new document inventory or search the policy archive afresh.

I am not requesting every handling email, response drafts, legal advice, the reviewer's deliberations, routine administration or duplicate copies. Team/role identifiers are sufficient; I do not need staff personal contact details. Please provide electronic copies or existing extracts rather than creating a new table or calculation. If any requested information is not held, please say so for the relevant category.

Separate request for section 16 advice and assistance

Based on the investigation already carried out, please identify a practical refinement of the original policy-record request that could be handled within the appropriate limit, so far as reasonably possible. In particular, would either of these be a workable starting point?

(a) One existing final approval paper, with its attached rights/privacy assessment if any, for the Part 3 highly effective age-assurance guidance published on 24 April 2025; or
(b) Only the age-assurance portions of the final minutes/notes and action record of the ICO-Ofcom meeting on 13 March 2025.

If neither is workable, please suggest a specific document category, holding team, dated approval or smaller meeting set that your investigation indicates could be targeted. I am not asking you to guarantee disclosure, create records or a price list, or undertake an open-ended search to formulate alternatives. These examples are requests for advice, not additional demands to disclose those policy records at this stage.

Please register the records request as a new FOI request, confirm its reference and response date, and distinguish the response to that request from the section 16 advice."

Our response

We are pleased to provide relevant recorded information about the handling of request 02269751 and internal review 02284871.

We consider that some of the information is exempt from disclosure under the FOI Act. In particular, section 40(2) of the FOI Act provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. This includes the principle that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption under the Act and does not require a public interest test.

Additionally, we consider some information in the case ref 02269751 and Internal Review, ref 02182018, 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 A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

Lastly some 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 C to this letter. In Annex B of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

In response to your separate request for section 16 advice and assistance, in general terms, it is more likely that a request that is focused on a small number of specific documents will be able to be dealt with within the s12 cost limit. However, we are not able to say at this stage whether or not we would be in a position to disclose these particular documents (to the extent they exist and are held by Ofcom), as we would firstly need to carry out searches and then apply any exemptions as relevant.

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 Commission Office.

Annex A

<table>
<tr><th colspan="2">Section 42 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.</th></tr>
<tr><th>Factors for disclosure</th><th>Factors for withholding</th></tr>
<tr><td>Ofcom recognises that the consideration of Freedom of Information requests 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.</td><td>The documentation in relation to which the exemption is claimed reflects information obtained in an investigation of the process of a previous Freedom of Information request, prepared for Ofcom staff.
These documents contain information which is subject to legal professional privilege, as the information was made for the purpose of providing or obtaining legal advice about this review.</td></tr>
<tr><th colspan="2">Reasons why public interest favours withholding information</th></tr>
<tr><td colspan="2">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.</td></tr>
</table>

Annex B

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 inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise 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 C the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned.

Corporation Secretary

Date: 9.11.2026

Annex C

<table>
<tr><th colspan="2">Section 36: Prejudice to effective conduct of public affairs</th></tr>
<tr><td colspan="2">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 provision of advice, or 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.</td></tr>
<tr><th>Factors for disclosure</th><th>Factors for withholding</th></tr>
<tr><td>Ofcom recognises that its approach to its duties under the Online Safety Act 2023 is a matter of interest to the wider public, including in respect of age assurance. Releasing such information could be said to increase transparency in our work and allow for discussion in a public forum.
Ofcom recognises that the consideration of Freedom of Information requests 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.</td><td>The documentation in relation to which the exemption is claimed is internal correspondence which includes details of Ofcom’s policy development work and collaboration with the Information Commission’s Office, previously titled the Information Commissioner’s Office (“the ICO”), in relation to age assurance.
The documentation concerns Ofcom considering which documentation may be in scope of request 02269751 and whether the s12 cost limit would be likely to be exceeded in relation to this request.
The correspondence therefore contains information on the internal policy development process that Ofcom has undertaken in relation to age assurance as part of discussions focusing on where information in scope of the request was likely to be held. It also contains details of the contents of internal documents that may have fallen within the scope of that request, as well as detailed references to Ofcom’s collaboration with the ICO in relation to this work.
In order to be able to run itself properly and develop policy, Ofcom needs to be able to have effective internal procedures and practices for policy development. The ability to do this would be inhibited by the disclosure of such internal processes to the public at large, which could result in less well-informed and developed policy outputs, which would not be in the public interest.
Given the fact that age assurance is an ongoing workstream in relation to which</td></tr>
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	Ofcom continues to work closely with the ICO, disclosing details of such communications would also prejudice the effective conduct of public affairs. • In order to fulfil its regulatory functions effectively, Ofcom needs to be able to engage internally and externally in free and frank provision of advice and discussions, and communicate with stakeholders relevant to our functions as the online safety regulator. • As the regulators responsible for online safety and data protection in the UK, Ofcom and the ICO work together on the implementation of age assurance, and this is an ongoing process. In order to do this effectively, we need to be able to communicate effectively with each other, and share views, advice and different perspectives order to reach carefully considered and fully informed decisions on relevant matters. Ofcom and the ICO published a joint statement in March 2026 about the main areas of interaction between online safety and data protection as they relate to age assurance. • Some of the information being withheld also concerns internal discussions and correspondence relating to request 02269751, including which information was likely to have been within its scope, where this was likely to be held within Ofcom, and the time required to comply with the request and consequent application of the s12 cost limit. • It is in the public interest that Ofcom is able to respond to Freedom of Information requests accurately and efficiently. In order to do this, we need to be able to have internal exchanges of views about the information falling within scope of a request and where this is likely to be located within the organisation. • The ability to do this openly and honestly would be inhibited by the disclosure of such internal communications, as staff would feel less able to express their views openly. This may result in Ofcom being less able to handle Freedom of Information requests comprehensively and effectively.

	• We also consider that the public interest of this information is limited, as Ofcom has published various documents in relation to age assurance and will continue to do so, including a rapid assessment of highly effective age assurance at age 16 in October 2026.
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 details of Ofcom's internal policy development and collaboration with the ICO in relation to age assurance, as well as discussion about the handling of Freedom of Information requests. • We consider that the public interest in withholding outweighs the public interest in disclosure. • This is because the disclosure of this information would prejudice the effective conduct of public affairs, as it would affect Ofcom's ability to freely and effectively deliberate on and develop effective policies on such matters. • Whilst there may be some weight attached to the public interest in disclosing, we consider this is limited, and that significant prejudice would be caused by such a disclosure.	