

Reference: 02280478

Information Requests
information.requests@ofcom.org.uk

5 October 2026

Freedom of Information request: Right to know request

Thank you for your request for information concerning age verification risks.

We received this request on the 7 September 2026 and we have considered your request under the Freedom of Information Act 2000 (the 'FOI Act').

Your request & our response

I would like to request any risk assessment or documented discussions of the of the risks since 1st January 2025 around: privacy, data protection, cyber crime, or the rights of children around the implementation of age checks sometimes called "age assurance", "age gating" or "age verification" pursuant to online safety act.

The impact assessments at annex 2 of our [Statement](#) on age assurance and children's access, and our [impact assessment for the protection of children codes](#) (annex 5) contain some information that you may find useful.

We can confirm that we do hold information within scope of your request. However, we are unable to disclose this information as we consider that it is exempt from disclosure under section 36 of the FOI Act. In particular, sections 36(2)(b) 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 provision of advice, or
 - 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.

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.

I would also like to request any documentation (agenda, minutes, briefing notes, presentations) regarding meetings since 1st January 2025 with age verification providers Persona, Yoti, Kids Web Services, k-ID, Incode, Veriff, Online Safety Tech Industry Association or Safety Tech Innovation Network.

Whilst we do hold some information within scope of your request, we are unable to disclose this information as we consider it is exempt from disclosure under section 44 of the FOI Act. Section 44 exempts the disclosure of information which is prohibited by another enactment. We are prohibited under section 393 of the Communications Act 2003 (the Act) from disclosing information which relates to a business, or businesses, which we have obtained in exercise of our powers, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) of the Act is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

Some of the information we hold in scope of this request is exempt from disclosure under section 36 of the FOI Act. Please refer to our response on the previous page and Annex B for further information relating to section 36.

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](#).

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 provision of advice, and 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.

Date: 5 October 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 provision of advice,
 - 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.

Factors for disclosure	Factors for withholding
• 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.	• The documentation in relation to which the exemption is claimed are internal summaries reflecting meetings between Ofcom and the Information Commission's Office, previously titled the Information Commissioner's Office ("the ICO"), slides in relation to these meetings, and internal briefing notes for meetings. • 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 engage 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 under the Online Safety Act 2023, and this is an ongoing process. In order to do this effectively, we need to be able to have meetings at which different views, advice and perspectives are shared in 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. • Disclosure of information about such discussions would inhibit free and frank discussions in the future and this in turn would likely lead to less robust decision making, and less effective regulation. • Ofcom needs to be able to produce contemporaneous records of such engagement to ensure that these can be used to inform the exercise of our powers. Such records facilitate the free and frank exchange of views which needs to be able to take place internally following discussions with stakeholders, including other regulators. This allows Ofcom to ensure that any points raised are properly considered and taken into account in our work as appropriate to ensure we take decisions that are as well-informed as possible. • Given the above, disclosing such internal records would also likely prejudice the effective conduct of public affairs. • Ofcom meets with a wide range of stakeholders in the course of our work, and it is important that Ofcom attendees at these meetings receive relevant information and briefings in advance to ensure they can communicate important points effectively and be aware of issues that may be raised by stakeholders. • The ability to provide this information openly and honestly would be inhibited by the disclosure of such internal briefings. This would result in Ofcom staff being less informed in advance of meetings and therefore less able to engage effectively with stakeholders.
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Reasons why the 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 regulatory discussions or engagement with external stakeholders, and internal briefings related to such engagements. • 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 engage with stakeholders relevant to our functions as the online safety regulator, including other regulators, and to have free and frank provision of advice and internal exchanges of views for the purposes of deliberation prior to and following such engagement. • Whilst there may be some weight attached to the public interest in disclosing to enable the public to understand how Ofcom is facilitating its role as online safety regulator, we consider this is limited, and that significant prejudice would be caused by such a disclosure.