

Reference: 02273693

Information Requests
information.requests@ofcom.org.uk

22 September 2026

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's enforcement action against 4chan.

We received this request on 24 August 2026 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request & our response

"Under the Freedom of Information Act 2000, please provide the following in relation to Ofcom's enforcement action against 4chan (10 June 2025 to present):

1. The internal cost centre or budget code against which staff time and external legal fees for this matter are recorded.

The internal project codes to which staff time and external legal fees for this matter have been recorded are 'OS Enforcement – 4Chan' and '4Chan/Kiwi Farms US Litigation'.

2. The total recorded budget/spend for that cost centre for each financial year from 2021/22 to the present.

Ofcom does not hold information regarding recorded internal budget/spend for the relevant cost centres in the required format. To provide a reliable recorded budget/spend figure would require us to compile and review timesheets for all colleagues involved in the enforcement process, and this is therefore not information we hold in the format requested.

The information we do hold on external legal costs is being withheld as we consider that its disclosure is exempt under section 43(2) of the FOI Act, as it relates solely to the services provided by external legal service providers. 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 C attached to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

3. The procurement route used to engage external legal counsel for this matter (existing framework/panel, or direct award), and, if a direct award, the stated justification recorded at the time.

We can confirm that the engagement of external legal counsel was deemed exempt from the formal Procurement Act and single tender justification processes, since it is an engagement of legal counsel

for representation in litigation in connection with the claim brought against Ofcom in the United States District Court for the District of Columbia by 4Chan Community Support LLC ('4chan') and Lolcow LLC ('Kiwi Farms'). We hold internal correspondence recording the justification, however, the information is being withheld as we consider it exempt from disclosure under section 36(2)(c) of the FOI Act for the reasons set out below and in Annex B attached to this letter, and section 43(2) of the FOI Act for the reasons set out in our response to question 2 above, and in Annex C attached to this letter.

In particular, section 36(2)(c) of the FOI Act provides 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 otherwise prejudice, or would be likely to otherwise 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.

4. The job title (not name) of the officer who formally approved the decision to open the investigation, and the job title of the officer who approved escalation to the Confirmation Decision stage.

Enforcement Director.

5. Whether Ofcom holds any internal estimate of the anticipated duration or end date of this matter, and if so, what that estimate is.

We do not hold information in scope of your request. The investigation concluded upon the issuing of a second [confirmation decision](#) by Ofcom to 4chan on 19 March 2026. However, as noted above, in August 2025, 4Chan and Kiwi Farms brought a claim against Ofcom in the District Court for the District of Columbia. The Court issued an order on 15 September 2026 dismissing the case for lack of subject matter jurisdiction.

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 in 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 September 2026

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 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 approach to enforcement action against online services might be 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 reflects internal Ofcom procedures and practices. • The documentation being withheld contains details of internal Ofcom procedures in relation to obtaining external legal advice, and execution of contracts. • In order to be able to run itself effectively, Ofcom needs to be able to have effective internal procedures and practices. The ability to do this would be inhibited by the disclosure of such internal processes to the public at large. • Given the above, disclosing such documents would prejudice the effective conduct of public affairs. • We also consider that the public interest of this information is limited, as the information requested concerns internal procedures and practices, and does not relate to Ofcom carrying out its regulatory functions.

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 internal Ofcom procedures and practices.
- 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 run itself properly and effectively.
- Whilst there may be some weight attached to the public interest in disclosing, we consider this is limited, as the requested information does not relate to Ofcom's regulatory functions, and that prejudice would be caused by such a disclosure.

Annex C

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
• Disclosure would enable the public to gain a better understanding of the commercial relationships between Ofcom and third parties and the nature of the services provided, thereby increasing public confidence in Ofcom’s work. • Generally, there is a public interest in the transparency of expenditure, particularly if public money is involved.	• Ofcom continues to negotiate its fees like those related to this request regarding legal service providers. 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 amount Ofcom paid would likely prejudice the commercial interests of the contracted legal firm and others who provided fee estimates – in that it would provide details of fee levels to their competitors or potential clients. • The internal email correspondence regarding the instruction of external legal counsel also contains information on proposed terms of engagement provided by one law firm, and discussion of conflicts and perceived strengths and expertise in relation to a number of different firms. It would likely prejudice the commercial interests of these firms for these details to be released. • 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 detrimentally affect their negotiating power in the future, and may deter them from partaking in our procurement exercises or providing us with services in future.
Reasons why public interest favours withholding information	
• We consider that, on balance, the potential prejudice to commercial interests outweighs the public interest in disclosure of the amount spent on legal fees regarding this case. • 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. • Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information.	