

A1. Responding to this Consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 9th January 2025.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/consultation-online-safety-fees-and-penalties/>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to OSFeesRegime@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 9th January 2025.
- A1.4 Where your response includes supporting charts, tables or other data, please also ensure this includes your findings/analysis and sets out its relevance to a specific consultation question or the consultation as a whole.
- A1.5 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Online Safety Fees Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.6 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- i) Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - i) Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
 - ii) We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

- A1.10 If you want to discuss the issues and questions raised in this consultation, please email OSFeesRegime@ofcom.org.uk.

Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, to meet legal obligations.
- A1.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant UK Government department before we publish it on our website.
- A1.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A1.16 Following this consultation period, Ofcom plans to publish a statement in Q2 2025.
- A1.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications, please use the following link: <https://www.ofcom.org.uk/email-updates/>.

Ofcom's consultation processes

- A1.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.

A1.21 you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

Accessibility

A1.22 Ofcom can provide information in a variety of formats on request, e.g. accessible PDF, large print, easy read, audio recording or braille. If you let us know what information you require and in what format, we will consider the request and respond within 21 days. You can contact us via phone, post or by sending an email to accessibilityrequests@ofcom.org.uk.

A2. Ofcom's consultation principles

A2.1 Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

A2.2 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about whom we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.

A2.5 We will consult for up to ten weeks, depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.

A2.7 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

A2.8 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- Nothing
- Name/contact details/job title
- Whole response
- Organisation
- Part of the response

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes No

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Consultation questions

Chapter 3.1 - Determining QWR for fees and maximum penalties

Question 1: Do you agree with our proposed approach to determining QWR? We would welcome comments in particular on:

- a) Our proposal to define QWR by reference to worldwide revenues.
- b) Our proposals in relation to apportioning revenue to the regulated service.
- c) Our proposed approach to requiring QWR to be aggregated across all regulated services provided by the provider.
- d) Our proposal to take account of revenues received by another group undertaking in the determination of QWR.

Question 2: Do you agree with our proposed definition of 'qualifying period'?

Question 3: Do you have any views on our proposal not to issue a statement to Part 4B services (VSPs) (under paragraph 21 of Schedule 17 to the Act)?

Please provide evidence to support your responses.

Chapter 3.2 - How we will determine QWR to calculate maximum penalties where two or more group undertakings are jointly liable for a breach

Question 4: Do you agree with our proposal for determining the QWR of a group, when calculating the maximum penalty that may be imposed on a provider and one or more group undertakings which are jointly and severally liable for a breach under the Act, i.e. that it is determined as the sum of the worldwide revenues of the provider and each of its group undertakings, whether or not attributable to the provision of a regulated service?

Please provide evidence in support of your response.

Chapter 3.3 - Proposed QWR threshold and UK revenue exemption

Question 5: Do you have any comments on our proposed advice to the Secretary of State to set a QWR threshold figure within the range of £200m to £500m, with a preferred figure of £250m, for all types of regulated services?

Question 6: Do you have any comments on our proposed exemption for providers with UK revenue less than £10m in a qualifying period?

Question 7: Do you agree that an exemption for services contributing to the public interest is not required at this time given the proposed QWR threshold and UK revenue exemption?

Please provide evidence to support your responses.

Chapter 3.4 - Approach to the Statement of Charging Principles

Question 8: Do you agree with our proposed approach to setting the amount of fees payable by providers above the QWR threshold?

Please provide evidence to support your response.

Chapter 4 - Notification proposals

Question 9: Do you agree with our proposals relating to supporting evidence, documentation and other information, and the manner of notification, as reflected in our Notification Regulations (Annex 10)?

Question 10: Do you have any comments on the proposed Manner of Notification document in Annex 11 accompanying the Notification Regulations?

Please provide evidence to support your responses.

Chapter 5 - Impact assessment

Question 11: Do you agree with our assessment of the potential impact of our proposals? If you disagree, please explain why.

Overall

Question 12: Do you have further views / comments that you wish to make in respect of this consultation?

Please provide evidence in support of your responses.

Annex 7 questions

Question A1: In relation to our equality impact assessment, do you agree with our assessment of the potential impact of our proposals on equality groups? If you disagree, please explain why.

Question A2: Are you currently aware of any providers of regulated services targeting or providing support in any way to specific equality groups that are likely to generate a QWR that meets or exceeds the proposed threshold?

Question A3: In relation to our Welsh language assessment, do you agree that our proposals are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.