Confirmation Decision for Meta's compliance with statutory information requests

Confirmation Decision Served to Meta Platforms, Inc. Issued under Section 139A of the Communications Act 2003

Non – confidential version- redactions marked with [✂]

Non – confidential Confirmation Decision

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1. Overview

1.1 This Confirmation Decision under section 139A of the Communications Act 2003 (the 'Act') sets out and summarises Ofcom's findings to Meta Platforms, Inc. ('Meta') whose registered address is 1 Meta Way, Menlo Park, CA 94025, USA and whose registered company number is EIN: 20-1665019.

1.2 In this document, we conclude that Meta failed to comply with multiple information requirements across two statutory information requests issued by Ofcom under section 135 of the Act. Specifically, Meta did not respond in the manner as specified by Ofcom, having provided inaccurate information multiple times in response to five questions across two statutory information requests, as well as to two subsequent clarificatory requests.

1.3 This document explains why we consider that we have reasonable grounds for believing Meta contravened requirements under section 135 of the Act and the reason for imposing a penalty of £450,000.

What we have decided – in brief

On 23 January 2026 Ofcom opened an investigation into Meta's compliance with Ofcom's statutory information requests. Meta was issued two notices under section 135 of the Act requiring it to provide a range of data concerning the WhatsApp Business services, which are alternative business messaging services. The purpose of the notices was to inform Ofcom's market monitoring of the retail business messaging market and subsequent Wholesale A2P SMS Termination Market Review.

We have found that Meta has contravened five separate information requirements under section 135 of the Act. Meta failed to comply with the requirements, across its responses to two notices, by failing to provide complete and accurate information in its responses. Specifically, Meta failed to 'comply with a requirement imposed under section 135 in such manner […] as may be specified by OFCOM'. [1]

We have decided that it is appropriate to impose a penalty of £450,000 on Meta in respect of its contraventions. This includes a 25% discount applied to the penalty figure of £600,000 which we would have otherwise imposed had Meta not requested to settle the investigation. This discount reflects resource savings achieved by Ofcom as a result of Meta's agreement to settle by admitting full liability.

This overview is a simplified high-level summary only. Our findings and our reasoning are set out in the full document.

[1] Section 135(4) of The Communications Act 2003.

2. Introduction

Purpose of this document

2.1 This document is Ofcom's Confirmation Decision finding Meta in contravention of its information requirements under section 139A of the Act finding that Meta has contravened its requirements under section 135 of the Act (referred to herein as our "Confirmation Decision"). This document also sets out our reasons for that finding and our assessment of the appropriate financial penalty for the contraventions.

2.2 To reach our Confirmation Decision we have relied on the following information:

a) Meta's responses to Notice 1, Notice 2, Notice 1 Clarificatory Request, Notice 2 Clarificatory Request and Follow-up Clarificatory Request.

b) Meta's responses to the Investigation Notice.

2.3 This Confirmation Decision refers to certain abbreviations, words or phrases set out in the table below. The table below explains what we mean when the Confirmation Decision refers to these abbreviations, words or phrases.

Abbreviation, word or phrase	Meaning
The Act	The Communications Act 2003.
Notice 1	Ofcom's notice issued to Meta on 31 July 2024, requiring the provision of information under section 135 of the Act, Ref: 01843866.
Notice 1 Response	Meta's response to Notice 1, dated 13 September 2024.
Notice 2	Ofcom's notice issued to Meta on 19 June 2025, requiring the provision of information under section 135 of the Act, Ref: 01995644.
Part 1 of Notice 2 Response	Meta's response to Notice 2, dated 17 July 2025.
Part 2 of Notice 2 Response	Meta's response to Notice 2, dated 31 July 2025.
Notice 1 Clarificatory Request	Clarification request sent by email from [✂] at Ofcom to [✂] at Meta on 23 July 2025 at 4:01pm, containing clarificatory questions in relation to Meta's Notice 1 Response.
Notice 2 Clarificatory Request	Clarification request sent by email from [✂] at Ofcom to [✂] at Meta on 23 July 2025 at 3:57pm containing clarificatory questions in relation to Meta's Notice 2 Response.
Notice 1 and Notice 2 Clarificatory Requests Response	Response sent by email from [✂] at Meta to [✂] at Ofcom on 18 August 2025 at 9:32am, attaching Meta's response to Notice 1 Clarificatory Request and Notice 2 Clarificatory Request.
Follow-up Clarificatory Request	Clarification request sent by email from [✂] at Ofcom to [✂] at Meta on 27 August 2025 at 4:25pm, containing clarificatory questions related to the data Meta provided in its Notice 1 and Notice 2 Clarificatory Requests Response.
Follow-up Clarificatory Request Response	Response sent by email from [✂] at Meta to [✂] at Ofcom on 4 September 2025 at 3:07pm, attaching Meta's response to Follow-up Clarificatory Request.
Ofcom's Consultation	Wholesale A2P SMS termination market review consultation, published by Ofcom on 28 January 2025.

Ofcom's Correction Note	Refers to the first Correction Note Ofcom published on 28 March 2025 correcting a misdescription of information provided in Meta's Notice 1 Response in Ofcom's Consultation. The Correction Note was revised on 29 April 2025. The revised Correction Note was withdrawn and replaced with a new Correction Note on 22 September 2025. For completeness, references to Ofcom's Correction Note are only references to the first Correction Note published on 28 March 2025.
Investigation Notice	Ofcom's notice issued to Meta on 18 March 2026, requiring the provision of information under section 135 of the Act, Ref:02135093.
Part 1 of Investigation Notice Response	The first tranche of Meta's response to the Investigation Notice dated 16 April 2026.
Part 2 of Investigation Notice Response	The second tranche of Meta's response to the Investigation Notice dated 30 April 2026.

2.4 We have decided to impose a penalty of £450,000 for five separate contraventions in relation to five questions across two notices. We have reached this decision in line with Ofcom's Penalty Guidelines.[2] The factors taken into account have been set out in more detail in Section 5.

Structure of this document

2.5 The structure of the rest of this document is as follows:

- In Section 3, we set out the legislation relevant to this investigation.
- In Section 4, we set out the factual background and our findings from the investigation.
- In Section 5, we set out our view on an appropriate financial penalty.

[2] Ofcom's Penalty Guidelines. Last updated 16 March 2023.

3. Regulatory framework

3.1 Below we explain in more detail the statutory powers Ofcom has to require the provision of information, as well as the enforcement powers Ofcom has in relation to contravention of such information requirements.

Statutory information requests

3.2 Under section 135 of the Act, Ofcom has statutory powers to require the provision of information that it considers necessary for the performance of its functions. Any person served with an information request under this provision is legally obliged to supply the required information in the manner, and within such reasonable period as specified by Ofcom.

3.3 Section 135(1) of the Act states that:

"*Ofcom may require a person falling within subsection (2) to provide them with all such information as they consider necessary for the purpose of carrying out their functions under […] this Chapter*".

3.4 Section 135(2) of the Act includes persons who appear to Ofcom to have information required for the purposes of carrying out their functions under Chapter 1 of Part 2 of the Act. For the purposes of Ofcom's market monitoring of the retail business messaging market and subsequent Wholesale A2P SMS Termination Market Review, this included Meta.

3.5 These statutory powers are fundamental to Ofcom's ability to carry out its statutory functions in relation to communications matters in accordance with its principal duty of furthering the interests of citizens and consumers.

3.6 Section 135(3) of the Act sets out that the purposes for which Ofcom may require information to be provided under section 135(1) includes information required for the purpose of:

"identifying markets and carrying out market analyses in accordance with, or for the purposes of, any provision of this Chapter".[3]

3.7 Section 135(4) of the Act states that a person required to provide information under section 135 must provide it in such manner and within such reasonable period as may be specified by Ofcom. This is also commonly referred to as the 'information requirement'.

3.8 Section 135(5) provides that the powers in section 135 are subject to the limitations in section 137.

3.9 Section 137(3) sets out that Ofcom are not to require the provision of information under section 135 except:

a) by a demand for the information that describes the required information and sets out Ofcom's reasons for requiring it; and

[3] Section 135(3)(g) of the Act.

b) where the making of a demand for the information is proportionate to the use to which the information is to be put in the carrying out of Ofcom's functions.

3.10 Sections 138 to 144 of the Act specify the enforcement powers that Ofcom has in relation to contraventions of information requirements. Section 138 of the Act states inter alia that:

"(1) Where Ofcom determine that there are reasonable grounds for believing that a person is contravening, or has contravened, a requirement imposed under section 135 or 136, they may give that person a notification under this section.

(2) A notification under this section is one which

(a) sets out the determination made by OFCOM;

(b) specifies the requirement and contravention in respect of which that determination has been made;

(c) specifies the period during which the person notified has an opportunity to make representations;

(d) specifies the information to be provided by the person to OFCOM in order to comply with a requirement under section 135 or 136;

(e) specifies any penalty that OFCOM are minded to impose in accordance with section 139; and

(f) where the contravention is serious, specifies any direction which OFCOM are minded to give under section 140."

3.11 Section 139 of the Act specifies the penalties that may apply for contravention of the information requirements where a person is given a notification under section 138.

3.12 Section 139(5) of the Act provides that the amount of any penalty Ofcom may impose has to be appropriate and proportionate and cannot exceed £2,000,000.

3.13 Sections 139A(2) and (3) of the Act states that Ofcom may give a person a confirmation decision, confirming the imposition of requirements on the person, or the giving of a direction to the person, or both, in accordance with the notification under section 138, if they are satisfied that the person has, in one or more of the respects notified, been in contravention of a requirement notified under section 138.

3.14 We investigate compliance with statutory information requests made under the Act in line with our enforcement guidelines for regulatory investigations.[4]

[4] Ofcom's Regulatory Enforcement Guidelines for investigations. Last updated 31 January 2025.

4. Ofcom's investigation and findings

Confirmation Decision

4.1 For the reasons set out below, Ofcom's finding is that there are reasonable grounds for believing that Meta has failed to comply with five separate information requirements, imposed under section 135 of the Act in relation to two statutory information requests issued by Ofcom.

Factual background

Summary of Ofcom's engagement with Meta about the A2P SMS Termination Market Review

4.2 This section is a high-level summary of Meta's engagement with Ofcom relating to Ofcom's A2P SMS Termination review. A more detailed chronology with additional information is provided from paragraphs 4.17 onwards.

4.3 In September 2023, Ofcom committed to monitoring the market for wholesale SMS termination and its impact on the retail business messaging market. On 28 January 2025, Ofcom launched a market review into the A2P SMS termination market (the "Wholesale A2P SMS Termination Market Review") and published Ofcom's Consultation.[5]

4.4 To inform that work, Ofcom issued two statutory information requests to Meta under section 135 of the Act ('Notice 1' and 'Notice 2') which required it to provide information relating to the WhatsApp Business services, which are alternative business messaging services, to inform Ofcom's market monitoring of the retail business messaging market and subsequent Wholesale A2P SMS Termination Market Review.

4.5 Before issuing each notice, Ofcom provided Meta with a draft version providing it with the opportunity to comment on the scope of the questions and the proposed response deadlines.

4.6 The notices sought information relating to the WhatsApp for Business messaging service, including data concerning its direct and indirect messaging volumes and revenues to support Ofcom's monitoring of the wholesale SMS termination market and its impact on retail business messaging.

4.7 The data provided by Meta in response to Notice 1[6] informed Ofcom's Consultation, published on 28 January 2025[7].

[5] Statement: Business messaging - Review of the A2P SMS termination market

[6] Email from [✂] (Meta) to the Information Registry (Ofcom) on 13 September 2024 at 4:59pm.

[7] Business messaging: Review of the A2P SMS termination market

4.8 On 20 March 2025 Ofcom asked Meta to review a proposed Correction Note and assumptions about Meta's data, that Ofcom intended to publish as an update to Ofcom's Consultation.[8] This was due to Ofcom's misdescription of WhatsApp Business volumes provided by Meta in its response to Questions 10(a) and 12(a) of Notice 1. Ofcom asked Meta to check if extracts of the text it intended to publish to address the misdescription was factually accurate, and if assumptions Ofcom relied upon regarding the revenue and volume data provided were correct. On 25 March 2025, Meta confirmed Ofcom's assumptions and agreed to the text in the proposed note.[9] The Correction Note was published by Ofcom on 28 March 2025.[10]

4.9 On 19 June 2025, Ofcom issued Notice 2 to obtain updated information for the continued purpose of monitoring the market for wholesale SMS termination. As part of the Notice, Ofcom sought some of the same data as provided in response to Notice 1 but relating to a more recent time period. In its response, Meta informed us that it had discovered what it described as "*errors*"[11] in information previously submitted in response to Notice 1 and provided corrected data in the same response[12].

4.10 Following a review of the data, Ofcom issued three clarificatory requests between 23 July 2025 and 27 August 2025 to address some apparent inconsistencies in Meta's responses to Notice 1 and Notice 2, as well as gaps in its data in its response to Notice 1.

4.11 In its response to the clarificatory requests, Meta informed Ofcom of further "*errors*" and "*incorrect*" information in its previous responses to Notices 1 and 2, as well as its responses to the first two clarificatory requests themselves. Meta provided explanations for the "*errors*" and "*incorrect*" information and provided "*revised*" and "*corrected*" information across the three clarificatory request responses and submitted its final corrected dataset on 4 September 2025.[13]

4.12 On 22 September 2025, Ofcom published a final Correction Note to Ofcom's Consultation.

Ofcom's investigation

4.13 On 23 January 2026, Ofcom opened an investigation into Meta regarding its compliance with Notice 1 and Notice 2.

4.14 The responses relevant to this investigation are Meta's: Notice 1 Response, Part 1 of Notice 2 Response, Part 2 of Notice 2 Response, Notice 1 and Notice 2 Clarificatory Requests Response and Follow-up Clarificatory Request Response.

4.15 The relevant questions to this investigation are:

- Questions 10(a) and 12(a) of Notice 1 which sought information about WhatsApp's direct and indirect conversation volumes and revenue, respectively, for April 2021 – March 2024.

[8] Email from [✂] (Ofcom) to [✂] (Meta) on 20 March 2025 at 16:28.
[9] Email from [✂] (Meta) to [✂] (Ofcom) on 25 March 2025 at 14:11.
[10] The Correction Note was revised on 29 April 2025.
[11] Meta's response to Question 2 of Section B of Part 1 of Notice 2 response.
[12] Ibid.
[13] Email from [✂] (Meta) to [✂] (Ofcom) on 4 September 2025 at 16:07.

- Questions, 2(a) and 3(a) in Notice 2, which sought the same information about WhatsApp's direct and indirect conversation volumes and revenue, respectively, but for April 2024 – March 2025.
- Question 19(c) of Notice 1 which sought information about WhatsApp's total volume of A2P SMS Business Messaging Services that Meta purchased across the different social media channels.

4.16 Below we set out further details about each of Meta's responses to Ofcom in scope of the investigation, including an explanation of how the responses relate to each other and when they were received. The responses have been listed under the heading of each of the two information notices to which they relate. Some of Meta's responses relate to both notices and so are referred to under both headings.

Notice 1

Notice 1 Response

4.17 On 31 July 2024, Ofcom issued Notice 1 to Meta.[14] As noted at paragraph 4.15, Notice 1 included Questions 10(a), 12(a) and 19(c).

4.18 Meta submitted its Notice 1 Response on 13 September 2024.[15]

Part 1 of Notice 2 Response

4.19 As part of its continued monitoring of the market for wholesale SMS termination market and to inform Ofcom's Consultation, Ofcom issued a second notice; Notice 2 on 19 June 2025.[16]

4.20 Meta provided the first part of its response (Part 1 of Notice 2 Response) on 17 July 2025.[17] In that response, Meta informed Ofcom that it had identified two "*errors*" [18] in its methodology in response to Notice 1, which had affected the accuracy of its answers to Questions 10(a)(i) and 10(a)(ii). Meta provided an explanation of how the errors occurred and what it described as "*corrected data*" for these questions.[19]

4.21 In relation to Question 10(a)(i) Meta stated it:

"*incorrectly included both directly and indirectly provided conversations. Our response therefore overstated the number of conversations resulting from direct provision of WhatsApp Business Platform. We have re-run the numbers for Question 10(a)(i) using the correct filters to identify only directly provided conversations".*[20]

4.22 For Question 10(a)(ii), Meta stated:

"The data we provided … incorrectly included both direct and indirect revenues. Our response therefore overstated the revenue resulting from direct provision of WhatsApp

[14] Email from [✂] (Ofcom) to [✂] (Meta) on 31 Jul 2024 at 11:01.
[15] Email from [✂] Meta to the Information Registry (Ofcom) on 13 September 2024 at 4:59pm.
[16] Email from [✂] (Ofcom) to [✂] (Meta) on 19 June 2025 at 14:41.
[17] Email from [✂] (Meta) to the Information Registry (Ofcom) on 17 July 2025 at 10:55.
[18] Meta's response to Question 2 of Section B of Part 1 of Notice 2 Response.
[19] Ibid.
[20] Meta's response to Question 2(a) of Section B of Part 1 of Notice 2 Response.

Business Platform. We have re-run the numbers …using the correct filters to identify only directly provided conversations".[21]

4.23 Meta also stated that its response to Question 12(a)(i) of Notice 1 also contained what it described as "*errors*". In its Notice 1 Response, Meta had previously said it could not provide the data for the full period requested because of data retention restrictions and stated "[✂]".[22] However, in its Part 1 of Notice 2 Response Meta explained that it had found an alternative method to calculate the requested information. It provided a response to Question 12(a)(i) for the first time and stated:

"*In preparing the data to answer this question, we re-ran scripts used for our September 2024 Response and identified an error in our methodology for Question 12(a)(i). We previously reported no data for this question because* [✂]. *In correcting our response to Question 10 (a)(ii), we found an alternative method of calculating conversation volumes for indirect provision of WhatsApp Business Platform*".[23]

Part 2 of Notice 2 Response

4.24 Meta provided its Part 2 of Notice 2 Response on 31 July 2025.[24] In its response to Question 8(b) of Notice 2, Meta identified what it described as an "*error*" in its Notice 1 Response related to Question 19(c). Meta confirmed that it had only provided partial data in response to that question and stated:

"*We believe that we inadvertently provided figures for a 1-month period, rather than for the full 36-month period".*[25]

4.25 Meta provided corrected figures for Question 19(c) in its Part 2 of Notice 2 Response but did not explain why only partial data had originally been submitted.[26]

Notice 1 and Notice 2 Clarificatory Requests Response

4.26 Having reviewed Meta's resubmitted Notice 1 data provided in its Part 1 of Notice 2 Response, Ofcom issued Notice 1 Clarificatory Request on 23 July 2025.[27] The request sought clarification relating to Meta's resubmitted responses to Questions 10(a) and 12(a) of Notice 1. Notice 2 Clarificatory Request was issued alongside Notice 1 Clarificatory Request (see below under 'Notice 2' for further detail).

4.27 Meta responded to Notice 1 Clarificatory Request (and Notice 2 Clarificatory Request) on 18 August 2025.[28]

[21] Ibid.
[22] Meta's response to Question 12(a)(i) in excel file titled 'Meta Supplemental Data File' included as part of Meta's Notice 1 response.
[23] Meta's response to Question 3(a) of Section C of Part 1 of Notice 2 Response.
[24] Email from [✂] (Meta) to the Information Registry (Ofcom) on 31 July 2025 at 16:26.
[25] Meta's response to Question 8(b) of Section E in Part 2 of Notice 2 Response.
[26] Ibid.
[27] Email from [✂] (Ofcom) to [✂] (Meta) on 23 July 2025 at 16:01.
[28] Email from [✂] (Meta) to [✂] (Ofcom) on 18 August 2025 at 09:32.

4.28 In its response, Meta confirmed the revised data it had submitted in Part 1 of Notice 2 for Questions 10(a) and 12(a) also contained what it described as "*errors*"[29] and provided what it described as "*revised data*"[30].

4.29 Meta explained that, when preparing its Notice 2 Response, it used the same data source that it had when preparing its Notice 1 Response, but that in the meantime there had been changes to its data logging operations. As a result, using the same data analytics code as it had for its Notice 1 Response over the modified data source led to the inconsistencies, identified by Ofcom's project team, when preparing its response to Notice 1 Clarification Request.[31] Meta explained:

"Using this code to prepare Response 2 led to inconsistencies that significantly understated conversation volumes (as you noticed in your clarification questions).

Because the Restated RFI 1 Data was prepared with the same code used for Response 1, it also failed to allow for the underlying changes to the data source. This introduced inconsistencies to the Restated RFI 1 Data.

Unfortunately, we did not spot these errors before submission of Response 2".[32]

4.30 Meta also stated that although the resubmitted data for Questions 10(a) and 12(a) in its Notice 1 and Notice 2 Clarificatory Requests Response was now "*accurate*" and expanded to include a response to Question 12(a)(i), it did not cover the full period originally requested. As a new data retention policy had been applied after its Notice 1 Response had been submitted, the resubmitted data for Questions 10(a) and 12(a) in its Notice 1 and Notice 2 Clarificatory Requests Response only went back as far as Q4 2023.[33]

Follow-up Clarificatory Request Response

4.31 Following its review of Meta's Notice 1 and Notice 2 Clarificatory Requests Response, on 27 August 2025 Ofcom issued a Follow-up Clarificatory Request regarding the "*revised data*" Meta submitted.[34]

4.32 The Follow-up Clarificatory Request compared the data originally submitted in Meta's Notice 1 Response in response to Questions 10(a) and 12(a) against the "*revised data*" in Meta's Notice 1 and Notice 2 Clarificatory Requests Response. Ofcom asked Meta to confirm its understanding of the "*revised data*" and explain an unexpected trend in the sales volumes. Because Meta's data retention policy meant it was not able to provide data in its Notice 1 and Notice 2 Clarificatory Requests Response further back than Q4 2023, Ofcom also requested Meta to submit an annual estimate of its direct and indirect sales volumes for financial years 2021/22, 2022/23 and 2023/24.

4.33 In its response, Meta confirmed that it had provided what it described as "*incorrect*"[35] data in relation to Question 12(a) in its Notice 1 and Notice 2 Clarificatory Requests

[29] Meta's Response for Q2(a) and Q3(a) (including restated Q10(a) and Q12(a))' in its Notice 1 and Notice 2 Clarificatory Requests Response. Document titled 'Meta Submission 3 (clarifications) – 18 August 2025'.
[30] Ibid.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Email from [✂] (Ofcom) to [✂] (Meta) on 27 August 2025 at 17:25.
[35] Page 2 of Meta's main response in its Follow-up Clarificatory Request Response. Document titled 'Annex 1: Meta Submission regarding 27 August Request'.

Response. Meta explained that the cause of the incorrect data was due to the changes in how it internally logged and stored its data, to improve data efficiency, which meant some of its original data had been altered.[36] In relation to why the numbers in its Notice 1 and Notice 2 Clarificatory Requests Response were elevated compared to that in its Follow-up Clarificatory Request Response, Meta stated that:

"…the Conversation volumes for indirect sales provided on 18 August did not properly account for the way WA Business Accounts log activity for associated mobile phone numbers. Because a single business account can have multiple associated phone numbers there was duplication in the conversation accounts".[37]

4.34 In its response Meta also re-submitted what it described as the "*correct values"*[38] to the original Question 12(a) in Notice 1.

4.35 These were the final set of corrections received by Ofcom in relation to Notice 1.

Notice 2

Part 1 of Notice 2 Response and Part 2 of Notice 2 Response

4.36 On 19 June 2025, Ofcom issued Notice 2.[39] As noted at paragraph 4.15, Notice 2 included Questions 2(a) and 3(a) which sought the same information as Questions 10(a) and 12(a) of Notice 1, respectively, but for the period of April 2024 – March 2025.

4.37 Meta responded to Notice 2 in two parts on 17 July 2025 and 31 July 2025. Part 1 of Notice 2 Response included responses to Questions 2(a) and 3(a).[40]

Notice 1 and Notice 2 Clarificatory Requests Response

4.38 Following its review of Meta's responses to Notice 2, on 23 July 2025, Ofcom issued Notice 2 Clarificatory Request.[41] The request included questions regarding the data submitted for Questions 2(a) and 3(a) of Notice 2, as Ofcom noted an apparent inconsistency between the volume data and revenue data submitted for the provision of Meta's direct and indirect messaging service.

4.39 In its response, Meta confirmed that it had provided what it described as "*errors*", in its answers to Questions 2(a) and 3(a) of Notice 2. Meta explained that in preparing those responses, (which sought some of the same data as requested in Questions 10(a) and 12(a) of Notice 1, but related to a more recent time period), it wanted to do so on the same basis used for Questions 10(a) and 12(a) in the Notice 1 Response. Meta stated:

[36] Page 3 of Meta's main response in its Follow-up Clarificatory Request Response. Document titled 'Annex 1: Meta Submission regarding 27 August Request'.

[37] Email from [✂] (Meta) to [✂] (Ofcom) on 4 September 2025 at 15:07.

[38] Page 3 of Meta's main response in its Follow-up Clarificatory Request Response. Document titled 'Annex 1: Meta Submission regarding 27 August Request'.

[39] Email from the Information Registry (Ofcom) to [✂] (Meta) on 19 June 2025 at 14:41.

[40] Email from [✂] (Meta) to the Information Registry (Ofcom) on 17 July 2025 at 10:55.

[41] Email from [✂] (Ofcom) to [✂] (Meta) on 23 July 2025 at 15:57.

*"This was to ensure consistency between the two submissions. To achieve this we decided to use the same data source and analytics code used to analyze and prepare Response 1. However, we did not know at that time that [*there were product updates*]* [✂][42] *towards the end of 2024. The [*result of these updates was*]* [✂][43] *that our original data source did not hold data relevant to Q2(a) and Q3(a) for the period requested by RFI 2 (i.e.1 April 2024- 31 March 2025).*

We were unaware of these [✂] *changes when we prepared Response 2 and so did not update the data analytics code that had been used to gather data for Response 1 in order to allow for the modified data source".*[44]

4.40 As the response to Notice 2 had been prepared on the same basis, and using the same source and data code as its response to Notice 1, it resulted in "*errors*" in the information submitted to Ofcom for Notice 2.

4.41 Within its submission, Meta also provided what it described as "*revised data"*[45] in response to Questions 2(a) and 3(a) of Notice 2 stating "[*w]e have now corrected the data analytics code and added alternative data sources to the analysis"*[46]*.*

Follow-up Clarificatory Request Response

4.42 Following its review of Meta's Notice 1 and Notice 2 Clarificatory Requests Response, on 27 August 2025 Ofcom issued a Follow-up Clarificatory Request regarding the revised data Meta submitted.[47]

4.43 On 4 September 2025 Meta submitted its response to our Follow-up Clarificatory Request.[48] In its response, Meta confirmed data that was not correct had again been provided in its Notice 1 and Notice 2 Clarificatory Requests Response, and it submitted its final set of corrected data for Questions 2(a) and 3(a).[49]

4.44 See paragraph 4.33 for more details on Meta's explanation of why the data required corrections.

Summary of Meta's Responses

4.45 In summary, we have found that:

4.46 Meta submitted inaccurate data in response to Notice 1. Inaccurate data was submitted in response to Question 19(c) on one occasion, Question 10(a) on two occasions and to Question 12(a) on three occasions.

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[42] The original text has been redacted which is reflected by the inclusion of [✂] at the end of the explanatory text added.
[43] The original text has been redacted which is reflected by the inclusion of [✂] at the end of the explanatory text added
[44] Meta's Response for Q2(a) and Q3(a) (including restated Q10(a) and Q12(a))' in its Notice 1 and Notice 2 Clarificatory Requests Response. Document titled 'Meta Submission 3 (clarifications) – 18 August 2025'.
[45] Page 4, Ibid.
[46] Ibid.
[47] Email from [✂] (Ofcom) to [✂] (Meta) on 27 August 2025 at 16:25.
[48] Email from [✂] (Meta) to [✂] (Ofcom) on 4 September 2025 at 15:07.
[49] Page 2 of Meta's main response in its Follow-up Clarificatory Request Response. Document titled 'Annex 1: Meta Submission regarding 27 August Request'.

4.47 Meta submitted inaccurate data in response to Notice 2. Inaccurate data was submitted in response to Question 2(a) and Question 3(a) on two occasions.

Investigation Notice

4.48 On 18 March 2026, Ofcom issued Meta with a statutory information notice, (the Investigation Notice), in relation to the investigation that we opened on 23 January 2026.[50]

4.49 As agreed with Meta, it provided its response to the Investigation Notice in two parts[51]:

- Section B, which sought information about Meta's governance processes and the steps it had in place to check the accuracy of its information. Meta's response to this section of the Notice (Part 1 of Investigation Notice Response) was received on the agreed deadline of 16 April 2026.[52]
- Section A, which sought confirmation about the accuracy of the explanations that Meta had provided for each of the "*errors*" and "*incorrect*" information in its responses to Ofcom. Meta's response to this part of the Notice (Part 2 of Investigation Notice Response) was received on the agreed deadline of 30 April 2026.[53]

4.50 In Part 2 of Investigation Notice Response, Meta confirmed that all of the previous explanations it had provided regarding the reasons and circumstances for each of the "*errors*" and "*incorrect*" information in its responses, and the need to provide "*corrected*" and "*revised*" data, in responses to Questions 10(a), 12(a), and 19(c) under Notice 1, and Questions 2(a) and 3(a) under Notice 2 were "*accurate and complete*".[54] In its response, Meta added an acknowledgement that:

"*…the sequence of amendments across its submissions reflects the inherent complexity of extracting accurate, internally consistent data from large-scale, multi-layered data systems primarily designed for evolving operational and product purposes*".[55]

Meta's processes in relation to s135 requests

4.51 In our Investigation Notice we asked Meta several questions about the governance processes it had in place and followed when preparing its RFI responses.

4.52 In its Part 1 of Investigation Notice Response, Meta told us that it had a governance process in place when it responded to the Notices in scope of this investigation.[56] It

[50] Email from the Information Registry (Ofcom) to [✂] (Meta) on 18 March 2026 at 16:43.
[51] Ibid.
[52] Email from [✂] (Meta) to the Information Registry (Ofcom) on 16 April 2026 at 10:25.
[53] Email from [✂] (Meta) to the Information Registry (Ofcom) on 30 April 2026 at 10:19.
[54] Paragraphs 6, 17, 23 and 31 of Meta's main response for Section A of its Part 2 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[55] Paragraph 40 of Meta's main response for Section A of its Part 2 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[56] Meta's response to Question 14 in Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.

described its approach as "*a structured, multi-layered framework to record, oversee and validate the accuracy of its data before it is communicated externally*".[57]

4.53 In the same response, Meta provided a narrative overview of its data governance process, rather than providing a copy of a single file or document that contained the policy itself. Meta's explanation described the process as follows:

" [✂]

- [✂]
- [✂]
- [✂]
- [✂]
- [✂]"[58].

4.54 It also confirmed that "*Meta applied its governance process in full, and without deviation to all of Ofcom's requests for information*".[59] This was reiterated, in the same response, where it stated: "*Meta applied the data governance process set out above to its responses to Notices 1 and 2, and to its responses to Clarification Requests 1, 2 and 3*".[60] In line with Ofcom's request, Meta provided various documents as evidence of the existence of these governance processes and the extent to which they were followed in relation to its responses.

4.55 We also asked Meta whether it had made any changes to its governance processes following any of its responses to our information requests. Meta explained that recent

[57] Paragraph 18, in response to Question 15, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[58] Paragraph 6, in response to Question 14, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[59] Paragraph 5, in response to Question 14, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[60] Paragraph 7, in response to Question 14, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.

enhancements to its process had been made, with some deployed prior to our Investigation Notice being issued. For example, [✂].[61] [62] [63]

Ofcom's assessment

4.56 Ofcom has considered the evidence submitted by Meta and has determined that there are reasonable grounds for believing that Meta has contravened the requirements imposed under section 135 of the Act in relation to both Notice 1 and Notice 2.

4.57 As explained in Section 3 of the Confirmation Decision, Meta is required under section 135 to provide Ofcom with complete and accurate information in the manner, and within such reasonable period as specified by Ofcom. Meta provided inaccurate information to Ofcom on five occasions in response to five separate questions across two notices.

4.58 We are therefore satisfied that we have reasonable grounds to believe Meta failed to comply with its information requirements in relation to Notice 1 and Notice 2.

Summary of contraventions

Contravention No.	Question and Notice	Subject Matter	Contravention Section 135(4) of the Communications Act
1	10(a) of Notice 1	Data for volume of conversations and revenue for the direct provision of WhatsApp for business for period 1 April 2021 - 31 March 2024.	Failure to provide the required information in the manner specified by Ofcom.
2	12(a) of Notice 1	Data for volume of conversations and revenue for the indirect provision of WhatsApp for business for period 1 April 2021 - 31 March 2024.	Failure to provide the required information in the manner specified by Ofcom.
3	19(c) of Notice 1	The total volume of A2P SMS Business Messaging Services Meta purchased, for use across its different social media platforms, during the period 1 April 2021-31 March 2024.	Failure to provide the required information in the manner specified by Ofcom.
4	2(a) of Notice 2	Data for volume of conversations and revenue for the direct provision of WhatsApp for business for period 1 April 2024 - 31 March 2025.	Failure to provide the required information in the manner specified by Ofcom.
5	3(a) of Notice 2	Data for volume of conversations and revenue for the indirect provision of WhatsApp for business for period 1 April 2024 - 31 March 2025.	Failure to provide the required information in the manner specified by Ofcom.

[61] Paragraph 19, in response to Question 15, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[62] [✂].
[63] Ibid.

4.59 Taking this into account, Ofcom has found that Meta failed to provide the required information in the manner specified by Ofcom, under section 135 of the Communications Act 2003.

5. Financial penalty

Summary

5.1 As set out in Section 4 above, we have found that Meta contravened requirements under section 135 of the Act, by failing to provide information in such manner specified by Ofcom. In total, we have found there to have been five contraventions of the requirements under section 135 of the Act.

5.2 Pursuant to section 139 of the Act, Ofcom has powers to impose a financial penalty for contraventions of the requirements under section 135 of the Act. The amount of penalty must be appropriate and proportionate and cannot exceed £2,000,000.

5.3 For the reasons detailed further below, Ofcom has determined it is appropriate and proportionate to impose a financial penalty of £450,000. This Decision was reached by considering factors in line with Ofcom's Penalty Guidelines.[64]

5.4 The penalty includes a 25% discount on the penalty figure of £600,000 which we would have otherwise imposed, reflecting the resource savings achieved by Ofcom as a result of Meta's admission of liability and the completion of Ofcom's settlement process.

Decision on Penalty

Consideration of whether to impose a penalty

5.5 Ofcom's powers to gather information under section 135 of the Act are crucial to Ofcom's ability to effectively carry out our statutory functions. A contravention of a requirement to provide information under section 135 is a serious matter as it hinders Ofcom's ability to carry out its functions and has the potential to undermine the integrity of the regulatory regime, thereby risking harm to citizens and consumers and their interests.

5.6 As set out in our penalty guidelines, the central objective for imposing a penalty is to deter stakeholders from contravening their regulatory requirements. By imposing a financial penalty reflective of the size and turnover of Meta, and having regard to the seriousness of the contravention, we consider it to be an effective measure to incentivise Meta, and the wider sector, to ensure its compliance with its information requirements, specifically in providing complete and accurate information within the timeframe specified, in response to formal information requests.

5.7 Based on Ofcom's consideration of the factors listed below, we have decided it is appropriate to impose a penalty of £450,000 on Meta.

[64] Penalty Guidelines, Ofcom, 14 September 2017.

Deterrence

5.8 As set out in our Penalty Guidelines and above, the central objective of imposing a penalty is deterrence. The level of the penalty must be sufficient, having regard to the relevant turnover[65], to have a material impact on the regulated body and provide an effective incentive for compliance, thereby deterring future contraventions. It is also important that the penalty imposed serves to deter the wider industry from contravening regulatory requirements. We aim to impose a penalty that is appropriate and proportionate, taking account of all the circumstances of the case as a whole, with deterrence as the primary consideration.

Seriousness and harm

5.9 Ofcom considers the contraventions relating to the provision of inaccurate information in this case to be serious. Compliance with statutory information requests under section 135 of the Act is fundamental to Ofcom's ability to carry out its statutory functions. Ofcom must be able to rely on the accuracy and completeness of information it receives, to carry out thorough and accurate analysis and make decisions informed by accurate information.

5.10 The information required from Meta in this case was an important input to our market assessment. It related directly to Ofcom's monitoring of the Wholesale A2P SMS termination market and its impact on the retail business messaging market, as well as the subsequent Wholesale A2P SMS Termination Market Review. Understanding WhatsApp for Business' position within business messaging market(s) was important to aid our understanding of potential competitive constraints on the wholesale A2P SMS termination market and the decision that would follow that on whether any regulatory interventions were needed. While the specific pieces of information that Meta later identified as including "*errors*" or requiring "*correction*s" did not in the end affect the overall provisional findings of the market review and our October 2025 decision not to continue with the review, we have considered that there was a risk that they could have done.

5.11 The inclusion of inaccurate information in Ofcom's Consultation also risked undermining confidence in Ofcom's regulatory processes and in the robustness of our analysis and decision-making. In addition, the inaccuracies had the potential to adversely affect stakeholders and consumers who rely on information and data published by Ofcom.

5.12 Furthermore, Contraventions No. 1 - 5 were not confined to a single response but spanned across multiple requests and five different questions. This was not a single occurrence, but a repeated failure to provide the correct information.

5.13 Additionally, only some of the contraventions were self-reported. Only the errors in Meta's original Notice 1 response were identified by Meta, whereas the remaining errors in the responses to Notice 2, Notice 1 Clarificatory Request and Notice 2 Clarificatory Request had to be identified by Ofcom.

[65] Meta reported revenue for the Financial Year 2025 of $200.97 billion. Meta's Form 10-K, for the fiscal year ended December 31, 2025.

5.14 We consider that the harm arising from the contraventions extends beyond any impact on the market review itself. The repeated and ongoing inaccuracies imposed an additional regulatory burden on Ofcom, requiring substantial resources to identify errors, seek clarification and consolidate data. This undermined the effective operation of Ofcom's information-gathering processes and its overall market review analysis.

5.15 We also note that Ofcom typically issues information requests in draft form (the "Draft Notice") before a final notice is issued (the "Final Notice"). This is an opportunity for stakeholders to comment, among other things, on the viability of the deadline that Ofcom is proposing to impose for responding to the Final Notice. While there is no obligation on stakeholders to respond to a Draft Notice, we expect this opportunity to be taken to identify foreseeable challenges to providing a complete and accurate response.

History of contraventions

5.16 Ofcom has not previously found Meta in breach of Section 135 of the Communications Act, or opened any prior investigations into the company.

Duration of contraventions

5.17 We have considered the duration of each of the contraventions based on when Meta was required to provide its response to the relevant Notice and when it was remedied by a receipt of the final corrected data by Ofcom. Based on this, the duration of each of the contraventions for failure to provide information in the manner specified by Ofcom is as follows:

Contravention 1: Question 10(a) of Notice 1 lasted 11 months.[66]

Contravention 2: Question 12(a) of Notice 1 lasted 11 months.[67]

Contravention 3: Question 19(c) of Notice 1 lasted 10 months.[68]

Contravention 4: Question 2(a) of Notice 2 lasted 7 weeks.[69]

Contravention 5: Question 3(a) of Notice 2 lasted 7 weeks.[70]

Steps taken by Meta to prevent the contraventions

5.18 In line with our Penalty Guidelines, we have considered whether in all the circumstances appropriate steps had been taken by Meta to prevent the contraventions.

[66] Contravention 1 began when Meta provided its response to Notice 1 on 13 September 2024 and continued until Meta submitted what it described as corrected data on 18 August 2025.
[67] Contravention 2 began when Meta provided its response to Notice 1 on 13 September 2024 and continued until Meta submitted what it described as its final corrected dataset on 4 September 2025.
[68] Contravention 3 began when Meta provided its response to Notice 1 on 13 September 2024 and continued until Meta submitted what it described as corrected data on 31 July 2025.
[69] Contravention 4 began when Meta provided its response to Notice 2 on 17 July 2025 and continued until Meta submitted what it described as its final corrected dataset on 4 September 2025.
[70] Contravention 5 began when Meta provided its response to Notice 2 on 17 July 2025 and continued until Meta submitted what it described as its final corrected dataset on 4 September 2025.

5.19 Although there is no direct requirement on organisations to have in place a governance process for responding to section 135 requests, there is an obligation to provide the information required by section 135 "*in such manner and within such reasonable period as may be specified by Ofcom*".[71] Many companies choose to introduce a governance process to help ensure that they comply with these obligations and, as detailed above, Meta told Ofcom that it had a governance process in place for responding to section 135 requests. It told us it followed this governance process in full in relation to the notices, and clarificatory requests, in scope of this investigation and provided documents which it considered evidenced this (see paragraphs 4.53- 4.55).[72] While the emails do demonstrate that a level of governance was undertaken in relation to the responses to Ofcom's notices that are in scope of this investigation, we do not consider that they necessarily fully evidence the application of each step of the governance process described by Meta in its responses to the Investigation Notice in relation to each Notice and Clarificatory Request issued by Ofcom. In any event, the fact that Meta repeatedly failed to provide accurate information suggests that, even with a governance process in place, appropriate steps had not been taken by Meta to prevent the contraventions.

The extent to which the contraventions occurred were deliberate or reckless

5.20 We have seen no evidence to suggest that the information contraventions occurred deliberately. However, we consider that the contraventions occurred carelessly as a result of Meta's application of its governance processes.

5.21 In response to the inaccurate data submitted in its response to Notice 1, Meta confirmed in its Part 2 of Investigation Notice Response that this was "*due to a manual error*"[73], which we believe could have potentially been foreseen and identified by a more robust and consistent application of Meta's governance processes. Furthermore, in relation to the "*errors*" in the data submitted in its responses to Notice 2 (in relation to Questions 2(a) and 3(a) of Notice 2 and the restated data in relation to Questions 10(a) and 12(a) of Notice 1), Meta explained that this had occurred because it was not aware that its data management team had made changes to its internal data logging systems following its response to Notice 1.[74] Ofcom considers this to be a serious oversight, representing a failure of internal communication, governance and oversight arrangements.

5.22 Furthermore, as set out above, in its Part 2 of Investigation Notice Response, Meta also provided a broader explanation for the repeated "*errors*" it had made in its submissions to Ofcom, stating:

"Meta acknowledges that the sequence of amendments across its submissions reflects the inherent complexity of extracting accurate, internally consistent data from large-scale,

[71] Section 135(4) of the Act.

[72] Paragraphs 5 and 6, in response to Question 14, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.

[73] Paragraph 12(a) of Meta's main response for Section A of its Part 2 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.

[74] Meta's Response for Q2(a) and Q3(a) (including restated Q10(a) and Q12(a))' in its Notice 1 and Notice 2 Clarificatory Requests Response. Document titled 'Meta Submission 3 (clarifications) – 18 August 2025'.

multi-layered data systems primarily designed for evolving operational and product purposes. Each correction was identified through Meta's iterative application of its data governance process and, in each instance, was promptly communicated to Ofcom. Meta has since implemented additional safeguards and governance practices, as described in Meta's Tranche 1 Response to the Investigation Notice, to reduce the risk of similar issues arising".[75]

5.23 Meta stated that "*Each correction was identified through Meta's iterative application of its data governance process and, in each instance, was promptly communicated to Ofcom*".[76] However, with the exception of Meta's self-identification and notification to Ofcom of the inaccurate information provided in response to Notice 1 (Questions 10(a), 12(a) and 19(c)) which Meta confirmed contained "*errors*" in its response to Notice 2, Ofcom was required on several occasions to seek clarification regarding the information submitted by Meta, including its responses to Notice 2, Notice 1 Clarificatory Request, and Notice 2 Clarificatory Request. These requests for clarification appear to have prompted Meta to review the data previously submitted and subsequently confirm that the data contained "*errors*" or needed to be "*revised*" or "*corrected*". In light of this, the evidence does not appear to support Meta's assertion that each correction was identified solely through its own data governance processes before being communicated to Ofcom.

5.24 Meta explained the governance processes it had in place in its Part 1 of Investigation Notice Response (see paragraph 4.53). However, despite these processes, Meta repeatedly failed to identify inaccuracies in the data collated prior to submission, across multiple requests, and also failed to consider any adaptations to its process to meet the objective of the process. This, in our view, demonstrated carelessness in Meta's approach in responding to our Notices and in preventing the contraventions.

Remedial action

5.25 We have taken into account that, following each instance of incorrect data being identified, Meta provided what it described as "*corrected*" and "*revised"* information. However, we do not consider that these constitute timely remedial action in all of the instances.

5.26 We note that Meta self-identified inaccuracies in its responses to Questions 10(a), 12(a) and 19(c) of its Notice 1 Response before providing what it described as corrected information. However, we note that in relation to Questions 10(a) and 12(a), its "*correction*" was only prompted by the issuance of Notice 2, and provided some 10 months after its original Notice 1 Response. We also note that, although Meta identified the inaccuracies in relation to its responses to Questions 10(a), 12(a) and 19(c) in its Notice 1 Response independently, the *"corrections*" it provided in its Notice 2 Response were themselves inaccurate, and still needed to be revised on two further occasions, following clarificatory questions by Ofcom. Meta did not self-identify its inaccuracies in its responses to Questions 2(a) and 3(a) of Notice 2, and it also took two sets of

[75] Paragraph 40 of Meta's main response for Section A of its Part 2 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[76] Ibid.

clarificatory questions for Meta to provide an accurate response. Based on this, we do not consider that Meta undertook appropriate remedial action in a timely manner.

5.27 We also considered that Meta told us it has implemented several updates to its data governance process, which it said, in part, reflects lessons learnt from responses to Notices 1 and 2 and our Clarification Requests.[77] These include: "[✂]".[78]

5.28 We have taken these steps to improve Meta's governance processes into account and recognise that these improvements could help prevent future contraventions of the requirement to provide complete and accurate information. However, we note that these steps were only taken after Meta had been made aware of a repeated number of instances where it had provided inaccurate information in response to our statutory information notices, so do not consider the updates to its governance process to be remedial action as such (see paragraph 4.55 for further information on the dates of when the enhancements were added to Meta's governance process).

Financial or material gain

5.29 Ofcom has not identified any evidence to suggest that Meta made any gain – financial or otherwise – from these contraventions.

Conclusion of the penalty decision

5.30 Taking all of the factors set out in paragraphs 5.8 to 5.29 above into account, we consider it appropriate and proportionate to impose a penalty of £450,000 in respect of Meta's contravention of section 135 of the Act. This penalty reflects the five contraventions identified across the two notices.

5.31 Ofcom requires Meta to pay that penalty to Ofcom by no later than two calendar months from the date of any final enforcement notification issued under section 139 of the Act.

[✂]

Ian Strawhorne
Director of Enforcement

A person duly authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

[77] Paragraph 19, in response to Question 15, of Meta's main response for Section B of its Part 1 of Investigation Notice Response titled 'Response to Ofcom's Legal Notice of 18 March 2026'.
[78] Ibid.