

**From:** Procedural Officer <Procedural.Officer@ofcom.org.uk>  
**Sent:** 25 April 2025 10:51  
**To:** admin admin <admin@>  
**Cc:** Online Safety Enforcement <OnlineSafetyEnforcement@ofcom.org.uk>  
**Subject:** RE: EXTERNAL:Re: Ofcom investigation into under the Online Safety Act 2023

Dear Sir/Madam

I refer to your email dated 9 April 2025 in which you respond to the Ofcom Enforcement team's letter of 8 April 2025 and make a formal procedural complaint to an Ofcom Procedural Officer.

I am an Ofcom Procedural Officer with Board-delegated authority to act as a Procedural Officer in this investigation. I am independent from the investigation case team and decision makers, and have not been involved in the investigation. The role of the Procedural Officer is intended to ensure that procedural issues can be addressed quickly, efficiently and cost effectively, and independently of the case team.

Ofcom has an ongoing investigation under the Online Safety Act 2023 ("the Act") into in relation to compliance with a number of sections of the Act. Ofcom is following its published Online Safety Enforcement Guidance<sup>[2]</sup> ("the Enforcement Guidance").

Your email of 9 April 2025 makes a complaint about the Ofcom Enforcement team's:

- assertion of jurisdiction under the Online Safety Act without adequate legal foundation;
  - failure to provide evidence support for the risk claims;
  - intent to compel foreign compliance via intimidation and enforcement threats;
  - disproportionate focus on your platform despite more relevant domestic targets;
  - unwillingness to engage transparently or proportionately in cross-border digital regulation.
- ("the Complaint")

The Enforcement Guidance sets out that a Procedural Officer will deal with complaints which relate to procedural issues such as deadlines for parties to respond to information notices, requests for redaction of confidential information, issues relating to oral hearings or other significant procedural issues that may arise during the course of an investigation (paragraph 10.5). The Enforcement Guidance also explains that the Procedural Officer is not able to deal with complaints which relate to decisions taken by Ofcom relating to substantive issues, for example decisions on the scope of the information requests relating to the scope and substance of an investigation (paragraph 10.6).

The case team provided me with background information about Ofcom's investigation which comprised a summary of its investigation to date and a chronology and copies of recent correspondence with you.

### **Decision**

I have considered the Complaint and it appears that it is not about procedural issues that can be considered by a Procedural Officer under the Enforcement Guidance. The Complaint is about the substance of Ofcom's investigation into raising substantive issues of jurisdiction, evidence and scope. The Procedural Officer is not able to deal with these issues under the Enforcement Guidance. I also note that under the Enforcement Guidance, if Ofcom's investigation were to continue to a provisional notice of contravention, you would then be provided with any evidence that Ofcom is

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<sup>[1]</sup> [Ofcom Enforcement Bulletin 9 April 2025](#)

<sup>[2]</sup> [Online Safety Enforcement Guidance](#)

relying upon and would be given the opportunity to provide representations and any supporting evidence to Ofcom about the matters raised in any provisional notice of contravention.

The Ofcom Enforcement team are copied with this decision for their information.

**Ofcom Procedural Officer**

**Ofcom**

[www.ofcom.org.uk](http://www.ofcom.org.uk)



<sup>[1]</sup> [Ofcom Enforcement Bulletin 9 April 2025](#)

<sup>2</sup> [Online Safety Enforcement Guidance](#)