

Reference: 01597159

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

Dear,

11 May 2023

### Freedom of Information: Right to know request

Thank you for your request for information in relation to engagement with certain companies in connection with clause 110 of the Online Safety Bill. We received this request on 11 April 2023. We have considered it under the Freedom of Information Act 2000 (the "FOI Act").

### Your request

You asked:

*can you please supply details - attendees, date, agenda, minutes - of meetings occurring after 04/2022 between Ofcom officials with responsibility for developing policy relating to the enforcement of section 110 of the Online Safety Bill - which sets out the use of "accredited technology" to identify terrorism and CSAM content in regulated services - and representatives of the following companies:*

*Meta  
Facebook  
WhatsApp  
Apple*

*Can you please also supply copies of correspondence since 4/2022 between Ofcom officials with responsibility for developing policy relating to the enforcement of section 110 of the Online Safety Bill, and representatives of the following companies:*

*Meta  
Facebook  
WhatsApp  
Apple*

*Where that correspondence concerns the use of "accredited technology" with respect to encrypted services.*

## Our response

We can confirm that we hold information falling within the scope of your request. We are preparing for our role as the Online Safety regulator and, as in all areas of our work, we engage with stakeholders in order to understand their views.

We have attached a spreadsheet containing information on the meetings held with WhatsApp and Apple. This information includes the:

- dates of meetings
- attendees\*, and
- details of the agenda.

\*We have provided the roles of the Ofcom attendees in the spreadsheet however we consider that the names of the Ofcom attendees and the roles/names of the external attendees is personal information exempt from disclosure under Section 40(2) of the FOI Act. This provision provides that personal information about persons other than the requester is exempt where its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the Act and does not require a public interest test.

We are unable to disclose the minutes from these meetings or the requested correspondence as we consider that disclosure of this information is exempt under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003. Under this section, we are prohibited from disclosing information with respect to a particular business that has been obtained in the exercise of our regulatory functions. The meetings were carried out in preparation for our role under the Online Safety Bill, but also in the exercise of our duty to promote media literacy, as set out in section 11 of the Communications Act 2003. The minutes of the meetings and correspondence contain information with respect to the businesses attending the meetings, and none of the gateways for disclosure in section 393(2) of the Communications Act 2003 apply here. Section 44 is an absolute exemption under the FOI Act and does not require a public interest test.

We also consider that other exemptions under the FOI Act may be applicable here such as section 43(2) of the FOI Act (which provides that Information is exempt from disclosure if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)) and section 41 of the FOI Act (which relates to Information provided in confidence).

I hope this information is helpful. If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

## Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

### Timing

If you wish to exercise your right to an internal review, **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF