

Reference: 1810285

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

15 May 2024

## Freedom of Information request: Right to know request

Thank you for your request for information about contact and requests from Meta, Meta and Ofcom staff, and hospitality provided to Ofcom colleagues by Meta.

We received this request on 16 April 2024, and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

### Your request and our response

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1. *How often you are in contact with meta representatives.*

To fulfil its duties as the UK's online safety regulator, Ofcom is required to have regular contact with representatives from many online services, including Meta. These include scheduled supervisory meetings and ad-hoc meetings when required to discuss relevant matters arising.

2. *What requests they have made*

We have interpreted 'requests' to mean representations that Meta have made in respect of the implementation of our online safety duties and functions. As you may be aware, Ofcom is required to consult on its implementation of the Online Safety Act 2023. These consultations are underway. All non-confidential representations submitted in response to our consultations, including those from Meta, are published on Ofcom's [website](#) in due course and we therefore consider that these are exempt from disclosure under section 22 of the FOI Act. Section 22 provides that information is exempt information if it is held by Ofcom with a view to its publication at a future date. In applying the section 22 exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing it. The attached Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

Whilst we hold further information in scope of your request, we are withholding this information as we consider it is exempt under section 44(1) of the FOI Act. Section 44(1) 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 ("the Communications Act"). Under this section, we are prohibited from disclosing information with respect to a particular business, in this case Meta, that has been obtained in the exercise of our regulatory functions, unless that

business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the public interest test.

3. *If any of your staff working on the rules have worked for meta*

Employment history data for colleagues joining Ofcom prior to 2022 is stored in such a way that the information you have requested is not readily accessible and would require a considerable amount of time to locate, retrieve, identify and extract for every Ofcom colleague involved in our online safety duties and functions.

Section 12 of the FOI Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Regulations”), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. We estimate that it would take us more than 18 hours to locate, retrieve, identify and extract all the information specified.

You may find it helpful to know that, from the data we are able to readily access from 2022 onwards, we can confirm that we have five colleagues who worked at Meta immediately prior to joining Ofcom. Please note, however, that previous employer information is provided by colleagues joining Ofcom on a voluntary basis and, where we do hold this information, it is in respect of colleagues’ most recent previous employment only, therefore the information we hold does not necessarily provide an accurate number of colleagues who have ever worked for Meta prior to joining Ofcom.

4. *If any of your staff have left and now work for meta*

We do not hold any information regarding colleagues leaving Ofcom and working for Meta.

5. *If any of Ofcom executives have received hospitality from meta*

All gifts and hospitality extended to Ofcom colleagues, with a value in excess of £10, must be declared and entered in a register. Moreover, gifts and hospitality received by the Ofcom Board, Content Board, Senior Management and Leadership Team is published on the Ofcom [website](#). We can confirm, having reviewed the information we hold, that no registrable gifts or hospitality has been received by Ofcom colleagues, or members of our boards or committees from Meta.

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) – quoting the reference number above in any future communications.

Yours sincerely,

## Information Requests

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### **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](mailto: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**

<p><b>Section 22: Information intended for future publication</b></p> <p>Section 22 may apply if there is an intention to publish the requested information at some future date. This ensures that the FOI Act does not force public authorities into premature publication of information.</p> <p>Key points:</p> <ul style="list-style-type: none"> <li>• Section 22 may apply even if the specific date for publication has not yet been determined but the proposed publication timetable must be reasonable in all the circumstances;</li> <li>• Section 22 will only apply if a public authority has decided, before the request is received, to publish the information concerned;</li> <li>• Section 22 is subject to a public interest test.</li> </ul>	
<p><b>Factors for disclosure</b></p>	<p><b>Factors for withholding</b></p>
<ul style="list-style-type: none"> <li>• Open policy making, transparency and public confidence in regulatory activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Ofcom intends to publish the requested information.</li> <li>• The programme of work is still under way.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• Ofcom is currently conducting a programme of work relating to the implementation of our online safety duties and functions. This work is subject to a series of public consultations, which are underway. All non-confidential responses to Ofcom’s consultations are published on Ofcom’s website at an appropriate time in the process. It is in the public interest that Ofcom publishes these responses to previously determined timescales to mitigate the risk with earlier disclosure that information is misinterpreted and/or pre-empt the outcomes of our internal policy development and consultation processes.</li> <li>• The timetable for publication includes time for consideration of the information prior to its release to the public in line with Ofcom’s governance procedures.</li> </ul>	