

Reference: 01945922

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

18 February 2025

## Freedom of Information request: Right to know request

Thank you for your request for information concerning the application of proportionality for the Code of Practice on illegal harms.

We received this request on 21 January 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

### Your request

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*Notes of meetings, discussions and any other written materials produced by, for or with the Ofcom online safety group on the application of proportionality in respect of the draft and finalised Code of Practice on illegal harms.*

*This includes any meetings, discussions or written materials in respect of the weight given to the cost of harms incurred by users and/or society and how these were to be balanced against an assessment of economic proportionality for regulated entities.*

### Our response

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We can confirm that while we do hold information falling within the scope of your request, we are unable to provide this. 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 over 18 hours to locate, retrieve, identify and extract the information you have requested.

We may be able to provide the information if the request was narrowed to include a date range, or included more specific criteria than considering the evidence we received.

The application of proportionality was an integral part of our assessment of our draft and final Codes. It was therefore an important consideration in a significant portion of discussions and written materials produced during policy development. For instance, in each of our impact assessments for user-to-user and Search measures, there is a section setting out our view of the proportionality of

the recommended measure.<sup>1</sup> A set of materials which pertains to the application of proportionality in respect of the Codes would capture the majority of all written materials produced in the drafting of the Codes, covering the nearly five-year period in which they were produced. This is not possible to compile within 18 hours.

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

### 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](#).

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<sup>1</sup> Our [Statement](#) as a whole is available on our website.