

Reference: 01993933

Information Requests
information.requests@ofcom.org.uk

2 July 2025

Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom meeting with US state department's DRL.

We received this request on 6 May 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request & our response

I am writing to request information under the Freedom of Information Act (FOIA 2000) about the meeting in March between the US state department's Bureau for Democracy, Human Rights, and Labour (DRL), and Ofcom.

Please could you provide the following information:

1. The purpose and agenda of the meeting

The purpose of the meeting was to discuss freedom of expression and Ofcom's approach to implementing the Online Safety Act. The meeting had no set agenda.

2. Attendees

The attendees of the meeting representing Ofcom were:

Mark Bunting – Online Safety Strategy Delivery Director

Camilla Bustani – International Director

Kate Davies – Public Policy Director

In accordance with the Information Commissioner's Office's previous decisions and guidance on requests for personal data about public authority employees, we have disclosed the names of attendees where the individuals concerned are senior colleagues, and/or sufficiently 'public facing' such that there is a reasonable expectation that their identity will be disclosed.

We consider that information relating to individuals falling outside of the above parameters, which is personal data, is exempt from disclosure under section 40(2) of the FOI Act, which provides that personal data which relates to persons other than the requester is exempt where, amongst other things, 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 FOI Act and is not subject to a public interest test.

Further, we consider that the names of attendees from the US State Department is exempt information under sections 27(1)(a) and (c) and 27(2) of the FOI Act. Sections 27(1)(a) and (c) provide that information is exempt from disclosure if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State, or the interests of the United Kingdom abroad. Section 27(2) provides that information is exempt from disclosure if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

Section 27 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in Annex A to this letter.

3. *Any meetings notes or materials*

We do not hold any information in scope of this part of your request.

4. *Minutes*

While we do hold minutes of the meeting, we are withholding these as we consider they are exempt from disclosure under sections 27(1)(a) and (c) and 27(2) of the FOI Act as set out above and in the attached annex.

We hope this information is helpful. If you have any further queries, then please send them to 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) 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

Sections 27(1)(a) and (c) and 27(2): Prejudice to relations between the United Kingdom and any other State, or to the interests of the United Kingdom abroad; and confidential information obtained from a State other than the United Kingdom.

Sections 27(1)(a) and (c) exempts information which the disclosure of would, or would be likely to, have any of the following effects:

- Prejudice relations between the UK and any other State; or
- Prejudice the interests of the United Kingdom abroad.

Section 27(2) exempts information which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

Key points:

- In this case, it is considered that disclosure would prejudice relations between the UK and the United States of America, and the United Kingdom's interests abroad. It is also considered that the information requested includes information which is confidential information obtained from the United States of America.
- The application of section 27 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• Ofcom recognises that its approach to its duties under the Online Safety Act 2023 is a matter of interest to the wider public. Releasing such information could be said to increase transparency in our work and allow for discussion in a public forum.	<ul style="list-style-type: none">• The documentation in relation to which the exemption is claimed is documentation reflecting discussions between Ofcom, a UK Public Authority, and the United States of America's State Department. The documentation contains information which was provided to Ofcom in confidence.• The disclosure of these documents could affect Ofcom's ability to effectively discuss such matters and to engage with the United States of America, or other States, going forward as it may undermine foreign officials' confidence that they can have free, frank and open exchanges about bilateral issues with Ofcom, other UK public authorities, and/or the UK Government if details of such discussions are released publicly.

	<ul style="list-style-type: none"> • In order to fulfil its regulatory functions effectively, Ofcom needs to be able to engage with other States by way of frank discussions and exchange of opinions. The disclosure of information about such discussions would, or would be likely to, inhibit free and frank discussions in the future for the reasons set out above. • Given the above, disclosing such communications would prejudice relations between the UK and the United States of America and would also likely prejudice the interests of the United Kingdom abroad.
<p align="center">Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • Ofcom is withholding the requested information. The public interest test has been applied on the basis of disclosing information which would reveal details of discussions with the United States of America in relation to the matters set out, and details of information which was provided in confidence. We consider that the public interest in withholding the information outweighs the public interest in disclosure. • This is because the disclosure of this information would, or would be likely to, prejudice relations between the UK and the United States of America, and the United Kingdom's interests abroad. • Whilst there may be some weight attached to the public interest in disclosing to enable the public to understand how Ofcom is carrying out its role as the independent online safety regulator, we consider that significant prejudice would be caused by such a disclosure. 	