

Reference: 2076317

Information Requests
information.requests@ofcom.org.uk

5 November 2025

Freedom of Information request: Right to know request

Thank you for your request for information about Documents Palestine Action.

We received this request on 11 September 2025 and your request was extended on 8 October 2025. We wrote to you explaining we needed more time to consider where the public interest lay in withholding or disclosing the information. We have now concluded our consideration.

Your request and our response

I am asking you to provide me with electronic copies of all of the following:

- internal memoranda relating to the proscription of Palestine Action and related Ofcom policy;*
- internal correspondence on the same matters;*
- external correspondence on the same matters including in particular with any government departments or ministries; and*
- any other relevant materials including legal analyses etc.*

In response to your request, please see enclosed Ofcom's response to the Open Rights Group ('the ORG') regarding Ofcom guidance to services regarding proscribed organisations, dated 14 August 2025. This email contains personal information, which we consider is exempt from disclosure under Section 40(2) of the Act. Section 40(2) provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulations and the Data Protection Act 2018. This includes the principle 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 have therefore redacted any personal information in the enclosed email accordingly.

We do hold further information in scope of your request, namely internal correspondence regarding Ofcom's response to the ORG. However, this information is being withheld. We consider this information exempt from disclosure under section 36 of the FOI Act. Section 36(2)(b)(ii) and (c) of the FOI Act provide that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information:

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36 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 B** to this letter. In **Annex A** of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

We confirm that no other information in scope of your request is held.

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

Annex A

Freedom of Information: Right to know request

Section 36 exemption

I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section. In my reasonable opinion, disclosure of the relevant information requested would prejudice the effective conduct of public affairs.

In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in **Annex B** the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned. If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Corporation Secretary

Date: 5 November 2025

Annex B

<p>Section 36: Prejudice to effective conduct of public affairs</p> <p>Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:</p> <ul style="list-style-type: none"> • inhibit the free and frank exchange of views for the purposes of deliberation, or • otherwise prejudice the effective conduct of public affairs. <p>Key points:</p> <ul style="list-style-type: none"> • Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects. • In this case it is considered that disclosure would prejudice the effective conduct of public affairs • The application of section 36 is subject to a public interest balance. 	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none"> • Ofcom recognises that its approach to its duties under the Online Safety Act 2023, relating to specific services or more generally, 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 internal discussion/deliberation relating to the site in question. The disclosure of these documents could affect Ofcom’s ability to effectively deliberate on and discuss such matters and to engage with the site in question, and similar sites, going forward. • In order to fulfil its regulatory functions effectively, colleagues need to be able to engage internally in frank discussions and exchange advice/opinions/recommendations, in order for robust decisions to be made. The disclosure of information about such discussions would , or would be likely to, inhibit free and frank discussions in the future and this in turn would likely damage the quality of deliberation and lead to less robust decision making. • Given the above and the fact that colleagues need to be able to give their opinions to other staff members or decision makers, disclosing such communications would also likely

	prejudice the effective conduct of public affairs.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> • At this time, Ofcom is withholding the requested information. The public interest test has been applied on the basis of disclosing information which would reveal internal discussions and deliberations in relation to the site in question. We consider that the public interest in withholding outweighs the public interest in disclosure. • This is because the disclosure of this information is likely to prejudice the effective conduct of public affairs, as it would affect Ofcom’s employees’ ability to freely and effectively deliberate on and discuss such matters. • Whilst there may be some weight attached to the public interest in disclosing to enable the public to understand how Ofcom is facilitating its role as online safety regulator, we consider that significant prejudice would be caused by such a disclosure. 	

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](#).