

Reference: 2085659

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

27 November 2025

### Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom communications with X.

We received this request on 3 October 2025 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act'). We wrote to you on 30 October 2025, explaining that we needed more time to consider where the public interest lay in withholding or disclosing the information requested. Your request was extended on 30 October 2025 until 27 November 2025. We have now concluded our consideration.

#### Your request and our response

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##### 1) Scope and date range

*I am seeking records created, sent or received between 1 June 2025 and 31 August 2025 (inclusive), including the immediate aftermath of 25 July 2025 relating to Ofcom's engagement with X (formerly Twitter) about the Online Safety Act child protection and age assurance requirements coming into force on 25 July 2025.*

##### 2) Entities and channels

*For the purposes of this request, please treat "X" as including (nonexhaustive): X Corp.; Twitter International Unlimited Company / X International Unlimited Company; Twitter UK Ltd; any other UK or EU subsidiaries; and any advisers or representatives acting for X (e.g., external law firms, consultants, lobbyists).*

*By "communications" I mean: letters; emails and their attachments; meeting invites; meeting notes/minutes; records of phone calls or video calls; Teams/Slack/WhatsApp or other businessmessaging records held on Ofcom systems; and any filenotes or internal cover memos prepared to accompany, clear or brief those communications.*

##### 3) What to search for (to assist s.16 FOIA)

*Please search the Online Safety policy and enforcement directorates (including the team formerly described as the "small but risky taskforce"), the CEO's office, the Corporation Secretary/Legal and*

*External Affairs/Press Office for communications to or from X or its representatives that contain any of the following terms (nonexhaustive): “X”, “Twitter”, “age assurance”, “age check(s)”, “age verification”, “Protection of Children”, “Children’s code”, “Part 3”, “section 12”, “section 81”, “contravention”, “investigation”, “enforcement”, “information notice”, “provisional notice”, “PNOC”, “warning”, “noncompliance”, “25 July”.*

#### *4) Specific items requested*

*Within the above scope, please provide copies of:*

*A. Any letters or emails sent by Ofcom to X that: (i) set out Ofcom’s expectations of X’s compliance with the 25 July duties; and/or (ii) warn that Ofcom would consider, initiate or escalate investigation and/or enforcement action in the event of noncompliance or failure to respond/engage.*

*B. Any replies from X (or its representatives) to Ofcom concerning those issues.*

*C. Any notices issued to X during the date range under the Online Safety Act information gathering powers (e.g., information notices or data preservation notices), and any covering letters.*

*D. Any internal Ofcom briefing notes or emails prepared to clear or brief the communications at A–C (e.g., ministerial linestotake, press office Q&A, or senior management clearances) insofar as they summarise or record Ofcom’s communications with X about the above issues.*

*E. A document schedule listing each item identified within scope (date, sender, recipient, subject/short description, and the exemption(s) relied upon if you are withholding in whole or part). If you cannot disclose an item, please still include it in the schedule with your reasons.*

#### *5) Format and redactions*

*Electronic disclosure is preferred. I am content for you to redact personal data of junior staff and nondecisionmakers (s.40 FOIA), and to remove direct telephone numbers and emails of individuals below SCS/Director level.*

#### *6) Exemptions, confirm/deny and advice/assistance*

*I recognise Ofcom’s obligations under s.44 FOIA / s.393 Communications Act 2003 and s.31 FOIA (law enforcement) may be relevant. If you rely on any exemption, please:*

*\* Apply severability (s.1(1)(b)/s.16 FOIA) and disclose material that is not covered by the exemption, such as Ofcom authored covering letters, dates and subject lines where these do not reveal protected information.*

*\* Provide the public interest test reasoning for any qualified exemptions (e.g., s.31, s.36, s.43).*

*\* Where you consider a neither confirm nor deny response, please explain why that is necessary in this case.*

*Where reliance on s.393 CA2003 is the only barrier to disclosure, I would be grateful if Ofcom would seek X’s consent to disclosure of the specific items requested at 4(A)–(C). I appreciate you are not obliged to do so under FOIA, but you have discretion to consult a third party where appropriate.*

*7) Avoiding the s.12 cost limit*

*If my request as drafted would exceed the appropriate limit (s.12 FOIA), please contact me to refine it. To assist, please prioritise in this order:*

- 1. Items 4(A) and 4(C) (final versions of any Ofcom letters/emails/notices sent to X), with priority to those dated 25 July–31 August 2025.*
- 2. Item 4(B) (X's replies).*
- 3. Item 4(D) (internal briefings limited to the CEO's Office, Online Safety Enforcement Director/Head and Press Office).*
- 4. Anything else within scope.*

*If necessary, I will accept date narrowing to 15–26 July 2025 (runup) and/or 25 July–15 August 2025 (postcommencement) and a mailbox limitation to: CEO's Office; Online Safety Group Director and Enforcement Head; Corporation Secretary/Legal (Online Safety); and External Affairs/Press Office.*

We do hold information in scope of your request. However, the information is being withheld as 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.

In addition, some of the information is exempt from disclosure 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 ("the Communications Act"). 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, 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.

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](#).

## **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, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, and would otherwise 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.

Signed: Corporation Secretary

Date: 27 November 2025

## Annex B

### Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

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

Key points:

- 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.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The documentation in relation to which the exemption is claimed is documentation reflecting internal discussion relating to Ofcom's communication with X. The disclosure of these documents could affect Ofcom's ability to effectively deliberate on and discuss matters regarding regulation of online services.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> <li>• 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 in relation to the site in question. We consider that the public interest in withholding outweighs the public interest in disclosure.</li> </ul>	

- 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.