

Reference: 02093885

Information Requests
information.requests@ofcom.org.uk

17 November 2025

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning Policy - decisions re enforcement investigations OSA.

We received this request on 20 October 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

"Please provide any internal guidance or policy that sets out how decisions not to open an enforcement investigation under the Online Safety Act can be reviewed or escalated, and by whom."

Our response

Ofcom is closely monitoring services' compliance with their duties, and where we have compliance concerns, they will be assessed in line with our [Online Safety Enforcement Guidance](#). There is no further internal guidance or policy that sets out how decisions not to open an enforcement investigation under the Act can be reviewed or escalated.

We make decisions about whether to open investigations on a case-by-case basis, having regard to our statutory duties and all the matters that appear to be relevant.

Paragraph 3.9 of the Guidance sets out the priority factors we will generally consider when making decisions about whether to open an investigation or take some other action; and Section 4 details the initial assessment process and potential outcomes.

As noted at paragraph 5.7 of our Guidance, the decision to open an investigation will be taken by a senior member of Ofcom's staff with appropriate Board-delegated authority following an initial assessment. Typically, this will be the case supervisor overseeing the investigation.

A formal complaints process exists if external stakeholders believe that Ofcom has failed to follow proper procedure. You can find out more about the complaints process by visiting <https://www.ofcom.org.uk/about-ofcom/corporate-policies/complaints-about-ofcom>.

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](#).