

Super-complaints under the Online Safety Act 2023

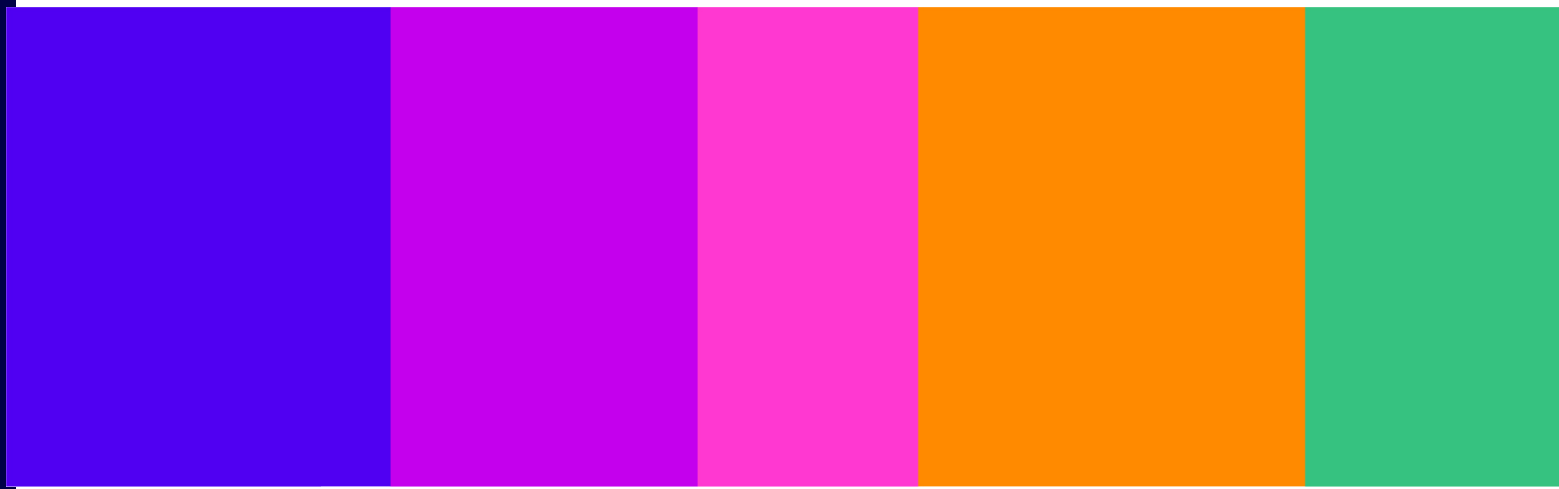
Draft guidance for consultation

Consultation

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1. Overview

What this guidance covers

- 1.1 Ofcom is the independent regulator for communications in the UK, overseeing sectors including telecommunications, post, broadcasting and online services. We were appointed the online safety regulator under the Online Safety Act 2023 ('the Act') in October 2023.¹ The Act allows certain organisations to make a 'super-complaint' to Ofcom.
- 1.2 This guidance is primarily intended to help organisations that intend to make a super-complaint. It explains:
 - What super-complaints are;
 - The role of super-complaints in Ofcom's regulatory approach to online safety;
 - Which organisations are eligible to bring a super-complaint;
 - How organisations can demonstrate their eligibility;
 - The rules and procedures for making a super-complaint; and
 - The steps Ofcom will typically take in relation to a super-complaint.
- 1.3 Ofcom may update the guidance from time to time to ensure effective functioning of the process and cooperation between Ofcom and organisations making super-complaints. This guidance is not legal advice and does not cover Ofcom's enforcement process, which is contained in our [Online Safety Enforcement Guidance](#).²

¹ Online Safety Act 2023.

² Ofcom, [Online Safety Enforcement Guidance](#).

2. Introduction to the super-complaints guidance

What are super-complaints?

- 2.1 Ofcom's role under the Act is to make online services safer for people in the UK. We make sure regulated sites and apps have effective systems to protect users from harm while also taking account of users' rights to privacy and freedom of expression.
- 2.2 The Act allows organisations with particular expertise to raise a 'super-complaint' with Ofcom. This is an important way in which external organisations can help us identify issues where we may need to focus our regulatory efforts. Ofcom has a fixed period to consider each super-complaint and publish a response, as set out in the Super-Complaints (Eligibility and Procedural Matters) Regulations 2025 ('the Regulations').³
- 2.3 Super-complaints can be about features of sites and apps which we regulate, and/or the behaviour of the companies and organisations that run them, that risk causing serious harm to people (either members of the public or UK users of the service) or seriously affecting people's right to free expression.⁴
- 2.4 Specifically, the Act says a super-complaint can be about **features** of one or more regulated services, any **conduct** of one or more providers of regulated services,⁵ or a **combination** of the two, which are, appear to, or present a material risk of:
- a) causing **significant harm** to UK users of the services⁶ or members of the public or a particular group of such users or members of the public;
 - b) significantly adversely affecting the right of **freedom of expression** within the law of UK users of the services or members of the public (or a particular group of such users or members of the public); or
 - c) otherwise having a **significant adverse impact** on UK users or members of the public (or a particular group of such users or members of the public).⁷
- 2.5 These features or conduct could include recurring issues that affect many, and possibly all, users of a service – or particular groups of users, or members of the public. These could also include cross-service harm to users caused by interactions between a feature or features of various services when used together. The issues raised in a super-complaint could relate (but are not limited) to regulated services' compliance with their duties under the Act. We explain in Section 4 how these terms used in the Act might be applied.

³ See Regulation 9 of the Regulations.

⁴ For more information on regulated services, see Ofcom, [Online safety rules: what you need to know](#).

⁵ 'Conduct' includes both acts and omissions: see section 169(6) of the Act.

⁶ Section 169(6) of the Act states that "UK users" in this context means individuals in the United Kingdom who are users of a service.

⁷ Section 169(1) of the Act. For the purposes of the super-complaints regime, a 'user' is an individual who is in the United Kingdom; for points (b) and (c) (relating to significant adverse effects), 'user' also includes entities which are incorporated or formed under the law of any part of the United Kingdom – see section 227(1) of the Act.

- 2.6 Super-complaints should be about **more than one regulated** service or service provider, **unless** the issue is particularly important or relates to impacts on a particularly large number or group of UK users or members of the public.⁸
- 2.7 While there is no fixed list of who can bring a super-complaint, Ofcom can only handle super-complaints if they are made by an organisation which meets certain statutory criteria (these are known as the ‘eligibility criteria’ and organisations that meet them are known as ‘eligible entities’).⁹ Organisations must be able to provide evidence of their eligibility when bringing their complaint. In addition, for Ofcom to be able to consider a super-complaint, the complaint must meet certain statutory requirements about its subject-matter, form and the information it includes (these are known as ‘admissibility criteria’).¹⁰ This includes providing evidence to support the claims made in the complaint. These requirements are explained further in this guidance.
- 2.8 When we receive a super-complaint, Ofcom must normally determine whether a complainant meets the eligibility criteria, in line with the statutory requirements, within 30 days.¹¹ If Ofcom considers the complainant meets the eligibility criteria and the super-complaint is admissible in line with the statutory requirements, we must normally respond and publish our response to the super-complaint by the end of 90 days following the determination of eligibility.
- 2.9 The purpose of this guidance is, as required by the Act, to provide further information about the eligibility and admissibility criteria, as well as other useful information about how to bring super-complaints and how Ofcom will handle them.¹²

The role of super-complaints in Ofcom’s online safety regulation

- 2.10 We base our regulatory actions and decisions on data, intelligence and insights gained from a wide range of sources, including evidence gathered from civil society organisations, expert bodies, strategic partners, internal and externally commissioned research, regulatory engagement with regulated services, such as supervision and statutory information requests, and through our stakeholder engagement and consultations.
- 2.11 Super-complaints play a valuable role among these inputs in enabling organisations that represent users to bring issues they think are causing significant harm to Ofcom’s attention, where they meet the statutory requirements.
- 2.12 The Act makes clear that the super-complaints mechanism is designed to focus on significant harms or significant adverse impacts (including on freedom of expression). We welcome super-complaints that are relevant to our remit under the Act, including

⁸ Section 169(2) of the Act. Specifically, this provides that a complaint relating to a single regulated service or service provider is only admissible if Ofcom considers at least one of these criteria is met.

⁹ These eligibility requirements are set out in the Regulations.

¹⁰ These criteria are set out in section 169 of the Act and the Regulations.

¹¹ This timeframe is shortened where the complainant has previously been considered eligible. Please see paragraphs 5.19-5.21 for further information.

¹² Section 171 of the Act requires Ofcom to publish guidance about the eligibility criteria, procedural matters and any other aspects of super-complaints that Ofcom considers appropriate to include. This document represents Ofcom’s guidance under section 171 of the Act.

suspected breaches of the duties placed upon services by the Act. We advise organisations that we can only take regulatory action within our existing powers and remit.

- 2.13 Super-complaints are different from individual user complaints. Where a user wishes to raise a complaint about an online service, in the first instance, this should be raised directly with the online service in question. Service providers are best placed to respond to individual complaints, and if appropriate, take action. If an individual has done that and remains concerned, they can tell Ofcom via our online complaints portal.¹³ While Ofcom receives user complaints, we are not empowered to act on or investigate individual complaints or to instruct services to remove or reinstate specific content. User complaints help us to assess whether regulated services are doing enough to protect their users and if we should take any action.
- 2.14 While an organisation might gather evidence from individuals about their online experiences to inform a super-complaint, a super-complaint is not intended to be an aggregation mechanism for multiple individual complaints. When deciding whether to make a super-complaint, organisations should consider whether the super-complaint route is the most effective for their intended purpose.
- 2.15 There are a range of responses that Ofcom could have to a super-complaint. We set out some of these potential responses in Section 5 of this guidance.

Steps to make a super-complaint

- 2.16 At the end of this document, we have included a submission template and evidence checklist that addresses the questions Ofcom will need to consider for assessing an organisation's eligibility and the admissibility of its submission as a super-complaint.
- 2.17 Below is a high-level flow chart of the steps an organisation should take to make a super-complaint.

¹³ Ofcom, [Complain about online services, websites or apps](#).

Identifying an issue



You have identified an issue that presents a risk of significant harm or adverse impact to UK users

Preparing a super-complaint



Read Ofcom's guidance to assess if your organisation is eligible to make a super-complaint and whether a super-complaint is the best way to share with Ofcom. Contact Ofcom if you are unsure



Gather evidence to demonstrate eligibility



Ensure the super-complaint is written in line with the admissibility requirements with supporting evidence

Submitting a super-complaint



Contact Ofcom via the webform to express an interest in making a super-complaint



Receive access to the super-complaints mailbox



Submit the super-complaint to Ofcom

30-day eligibility assessment period



Respond to clarification questions and requests for information, if necessary



Within 30 days Ofcom will contact you to let you know the outcome of the eligibility assessment



Organisation is found eligible

90-day response period



Within 90 days Ofcom will send you a response to the super-complaint, if it meets the admissibility requirements

3. Who can make a super-complaint?

The eligibility criteria

- 3.1 Any organisation that meets, and can evidence, each of the eligibility criteria will be able to submit a super-complaint to Ofcom. These are set out in the Regulations¹⁴ and are explained in the table below:

Table 3.1: The eligibility criteria

Criterion 1: Representing the interests of users or members of the public	The entity must be a body representing the interests of users of regulated services, or members of the public, or a particular group of such users or members of the public.
Criterion 2: Acting independently from regulated services	The composition of the entity and the arrangements for its governance and accountability are such that it can be relied upon to act independently from regulated services. That an entity— (a) receives funding from regulated services, or (b) has one or more representatives from regulated services involved in the governance of that entity, does not prevent that entity from being able to meet this criterion.
Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters	The entity routinely contributes significantly, as an expert, to public discussions about any aspect of online safety matters.
Criterion 4: Having due regard to Ofcom’s super-complaints guidance	The entity can be relied upon to have due regard to any guidance published by Ofcom under section 171(2) of the Act.

- 3.2 To be an eligible entity, the organisation must be either a body or association of persons or an organisation, and cannot be an individual.¹⁵
- 3.3 Organisations must assess their own eligibility against the criteria and provide evidence of how they meet each criterion to Ofcom, in line with the below guidance, when submitting their super-complaint.

¹⁴ See Regulation 2.

¹⁵ See section 236(1) of the Act. It does not matter for these purposes whether the entity is a legal person or not, or whether it has been formed under the law of any part of the UK or the law of another country.

- 3.4 Ofcom will only consider the eligibility of an organisation when they are seeking to make a super-complaint. We will not assess eligibility on a stand-alone basis.
- 3.5 We anticipate that many eligible entities will be, for example, expert civil society organisations, research bodies, and charities working in online safety, but this is not an exhaustive list. The eligibility criteria are broadly defined, and we welcome any organisation to make a super-complaint if they meet the criteria and are able to evidence this.

The eligibility criteria and supporting evidence

- 3.6 The section below sets out indicative pieces of evidence that Ofcom will consider when verifying the eligibility of an organisation under the Act and the Regulations. The types of evidence set out in this section are illustrative only, not exhaustive, and organisations may present evidence not specified below, if such evidence is accompanied by an explanation as to how the organisation believes this demonstrates the relevant criterion is met.
- 3.7 Please see Ofcom's [General Privacy Statement](#) for further information about how Ofcom handles your personal information and your corresponding rights.

Criterion 1: Representing the interests of users or members of the public

- 3.8 To meet this criterion, the organisation must be a body representing the interests of users of regulated services¹⁶ or members of the public, or a group of such users or members of the public. There are a wide range of activities that an organisation can carry out that would demonstrate representing the interests of a group, such as providing advice, campaigning on their behalf, and researching their experiences.
- 3.9 A group of users or members of the public can include demographic groups. Organisations should set out which group(s) they represent.
- 3.10 An organisation can meet this criterion if its objectives and aims set out that a purpose of the organisation is to represent the interests of users of regulated services, members of the public or a particular group of users or members of the public. The purpose of the organisation does not have to relate to online safety matters.
- 3.11 If an organisation is not explicitly set up with the purpose of representing the interests of users of regulated services, members of the public or a particular group of users or members of the public, the organisation can explain (with relevant supporting evidence) whose interests it represents, what interests it is primarily concerned with, and how it considers itself to represent those interests.

Examples of relevant evidence:

- Explanation of the nature of the organisation, purpose, activities and sectors covered and how long in existence (also for any trading arms).
- Charity registration and/or company number (where applicable).

¹⁶ For the purposes of the super-complaints regime, a 'user' means either an individual in the United Kingdom or an entity which is incorporated or formed under the law of any part of the United Kingdom (except in relation to a complaint that is brought under section 169(1)(a) when the risk of significant harm must relate to individuals in the UK who are users of a service and not entities). See sections 169(6) and 227 of the Act.

- Details of the organisation's constitution (for example, Memorandum and Articles of Association, charitable purposes), including its legal or statutory status.
- Annual reports and/or impact statements on actions taken in the interests of users/members of the public.
- Evidence demonstrating experience of acting in the interests of users/particular groups, with examples and over what period, such as case studies.

Criterion 2: Acting independently from regulated services

- 3.12 This criterion aims to ensure that a decision to make a super-complaint or the content of a super-complaint has not been unduly influenced by the providers of regulated services or their representatives. This is to avoid conflicts of interests and ensure that super-complaints further the interests of users and members of the public.
- 3.13 Ofcom will consider the objectives, aims, composition, funding and governance structures of an organisation to assess whether the organisation can be relied upon to act independently from regulated services.
- 3.14 The following organisations will not be eligible to submit a super-complaint:
- a) providers of regulated services,¹⁷ and
 - b) organisations that primarily represent or serve the interests of regulated services, such as trade bodies.
- 3.15 Some organisations that represent the interests of users, members of the public or a particular group of users or members of the public may receive funding from regulated services and/or have representatives from regulated services involved in their governance. These organisations will still be eligible, provided they can demonstrate sufficient independence. However, representatives from regulated services should not be able to influence an organisation's decision to make a super-complaint or the conduct of the super-complaint. Ofcom must be satisfied that such funding or governance arrangements do not prevent the organisation from acting independently from regulated services and Ofcom will assess this upon submission of a super-complaint. For example:
- a) If an organisation has representatives from regulated services that form part of its governance, it should explain what decision-making powers such as voting rights or other influence those representatives have on operational decisions, such as making a super-complaint. It should also explain what safeguards are in place to protect against or limit such influence.
 - b) If an organisation receives funding from regulated services, it should explain the nature of the funding (i.e. donation, commission, consultancy, grant) and whether there are any stipulations attached to that funding.
- 3.16 In addition, the organisation should outline any potential conflicts of interests and how these are mitigated.

¹⁷ 'Regulated service' is defined in section 4(4) of the Act and comprises user-to-user services such as social media services, online marketplaces, gaming and private messaging services, search services and services publishing online pornographic content. Organisations can use Ofcom's [regulation checker](#) to understand if they might provide a regulated service.

Examples of relevant evidence:

- Details of the organisation's constitution (for example, Memorandum and Articles of Association, charitable purposes), including its legal or statutory status.
- Annual accounts
- An explanation of how the composition of the entity and the arrangements for its governance and accountability are such that it can be relied upon to act independently from regulated services.

In some circumstances, particularly if the organisation receives funding or has representatives from regulated services involved in its governance, it may be appropriate to provide the following evidence:

- Documentation covering the organisation's decision-making procedures.
- Information on directors' real or perceived conflicts of interest.
- Explanation of whether there are any stipulations to funding from providers of regulated services.

Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters

- 3.17 To meet this criterion, the organisation must provide evidence of regular contributions to public discussions of online safety matters. The Act defines 'online safety matters' as 'the matters to which Ofcom's online safety functions relate'.¹⁸ Ofcom's online safety functions include all Ofcom's functions under the Act, such as those relating to illegal content and content that is harmful to children, among others.
- 3.18 We will consider on a case-by-case basis the expertise of the organisation and whether it is routinely contributing 'significantly' to public discussions but would expect that organisations would have more than one example of the relevant evidence listed below. The Regulations clarify that an organisation's social media activity (i.e. the generation, uploading or sharing of content on a user-to-user service) will not be considered when assessing this criterion.

Examples of relevant evidence:

- Reports or publications
- Links to media articles/appearances
- Transcripts of evidence given as an expert to select committees or other bodies
- Information on other professional public speaking, such as conference appearances
- Public awareness campaigns or initiatives, and evaluation reports as to their impact
- CVs of experts working at the organisation (information about an expert's past projects at a different organisation could be evidence of expertise)

Criterion 4: Having due regard to Ofcom's super-complaints guidance

- 3.19 This criterion requires the organisation to demonstrate that they can be relied upon to have due regard to Ofcom's super-complaints guidance. This criterion will be satisfied by the submission of a super-complaint and supporting evidence in line with the process set out in

¹⁸ Section 235(4) of the Act.

this guidance. When submitting a super-complaint, an organisation will be asked to confirm they have read the guidance and followed the process. An organisation is unlikely to meet this criterion if it is clear from the submission that they have not considered this guidance.¹⁹

Jointly submitted super-complaints

- 3.20 More than one organisation may jointly submit a super-complaint. Ofcom encourages this where different organisations have overlapping or similar concerns that they wish to raise as a super-complaint. Where this is the case, this should be made clear at the point of submission and all relevant organisations listed. As set out in paragraph 4.50, duplicative super-complaints will be rejected.
- 3.21 The Regulations require that one organisation be listed as the lead and be the point of contact during the super-complaints process.²⁰ This organisation must provide the name and email address of an individual representing the lead organisation. Ofcom will normally only correspond with the lead organisation.
- 3.22 Ofcom will assess only the eligibility of the lead organisation making the super-complaint and requires evidence of eligibility only from this lead organisation. If the lead organisation is found to be eligible or ineligible, this has no bearing on Ofcom's future assessment of the eligibility of the remaining joined organisation(s).

¹⁹ Ahead of the publication of the final guidance, organisations can consult this draft guidance or wait until the final guidance is published.

²⁰ Regulations 3(1)(d) and 4(1)(b) of the Regulations.

4. Making a super-complaint

Before making a super-complaint

- 4.1 We strongly encourage organisations who consider themselves to be eligible to inform Ofcom of their intention of making a super-complaint before making a complaint. This can be done via the webform.
- 4.2 Doing this will help both organisations seeking to make a super-complaint and Ofcom. Ofcom can advise you of ongoing work that may address the focus of the super-complaint or overlaps with existing super-complaints under consideration, advise on potential gaps in evidence and/or how the organisation can refine the focus of the super-complaint to areas in which Ofcom is empowered to take action.
- 4.3 Before deciding whether to make a super-complaint, please check whether we have already considered the matter you want to raise with us. Responses to all super-complaints we have considered will be made available on our website. A super-complaint which merely repeats the substance of a super-complaint which is being considered by Ofcom may be rejected.²¹ If we have already considered the substance of a super-complaint, we will not do so again within two years, unless there has been a material change of circumstances since the previous super-complaint was made.²² Further restrictions and limitations are set out in paragraphs 4.49-4.51. Some organisations may prefer to contact Ofcom directly with their complaint outside of the formal super-complaint process.

Process for submitting a super-complaint

- 4.4 For security reasons, we will only make the super-complaints submission mailbox available on request.
- 4.5 Please express your interest in making a super-complaint at the webform on the Ofcom website. An Ofcom colleague will be in touch as soon as possible to discuss your super-complaint and provide access to the submission mailbox if you intend to make one.
- 4.6 Organisations should complete the template in Annex 1 and prepare the supporting information, then submit to this mailbox.
- 4.7 The eligibility assessment time-limit will start from once the email with the complaint is received to the mailbox.

Requirements for a super-complaint to be admissible

- 4.8 The Regulations set out requirements on the form and detail of a super-complaint in order to be admissible for our consideration.²³ Further detail is set out below.

Summary of the admissibility requirements

A super-complaint must:

²¹ Per Regulation 5(2)(b).

²² Per Regulation 5(2)(c).

²³ These are set out in Regulation 5.

- Be in writing
- Provide contact details
- Set out the feature or conduct that is the subject of the super-complaint
- Set out the regulated services or service providers to which the super-complaint relates
- Set out if the super-complaint relates to a material risk of a) causing significant harm to users or members of the public, b) significantly adversely affecting the right to freedom of expression, c) another adverse impact (or some combination of the three).
- If the complaint relates to a single regulated service or a single provider of one or more regulated services, that complaint should also explain why the complaint is of particular importance or that the complaint relates to the impacts on a particular large number of users.
- Be accompanied by evidence that supports the claims made. There are further requirements on this evidence set out in 4.26-4.40.

Form of a super-complaint

- 4.9 The super-complaint must be in writing. A template form to fill out is provided at the end of the guidance document and is downloadable from the Ofcom website.
- 4.10 The super-complaint must also provide the name and email address of an individual representing the organisation who may be contacted by Ofcom about the super-complaint (for a jointly submitted super-complaint, this should be the lead organisation).
- 4.11 We ask that organisations provide a summary of their super-complaint that Ofcom may publish.

Detail of a super-complaint

- 4.12 **Feature or conduct.** A super-complaint must set out the feature of one or more regulated services, or the conduct of one or more providers of regulated services, or the combination of features and conduct, to which the complaint relates.
- 4.13 **Service(s) or provider(s).** It must also set out to which regulated services or providers the super-complaint relates. If you consider the issue(s) raised could relate to other regulated services or providers, but the complaint does not have that relevant evidence, you can note this for us to consider. For example, the feature or conduct may be common to a category of services, but you may only have evidence regarding a few example services.
- 4.14 **Harm or adverse impact.** It must also set out which of the following applies:
- The feature or conduct, is, appears to be, or presents a material risk of:
- a) causing significant harm to users of the services or members of the public, or a particular group of such users or members of the public;
 - b) significantly adversely affecting the right to freedom of expression within the law of users of the services or members of the public, or of a particular group of such users or members of the public; or
 - c) otherwise having a significant adverse impact on users of the services or members of the public, or on a particular group of such users or members of the public.²⁴

²⁴ As set out in section 169(1) of the Act.

The complaint must relate to one of these grounds to be admissible as a super-complaint, so it is important that the complaint makes clear which of these grounds the complaint addresses.

- 4.15 In all cases, you should set out the nature and scale of the harm or adverse impact that appears to be or is at risk of occurring. If your complaint relates to harm or adverse impact on a particular group, you should make that clear and explain why that group is particularly at risk.
- 4.16 We ask that super-complaints include an explanation of how you have assessed or estimated the actual or potential harm to users, members of the public or a group of users or members of the public.
- 4.17 We interpret ‘material risk’ in the context of super-complaints to mean the likelihood of harm or the relevant adverse effect or impact occurring, such that features or conduct where the likelihood of significant harm is low would not qualify.
- 4.18 We interpret ‘significant harm’ to mean physical or psychological harm²⁵ that causes lasting or severe impacts on users or members of the public’s wellbeing, attitudes or behaviour, or attitudes or behaviours likely to cause harm to others. Transient impacts (such as short-term emotional reactions) are less likely to be significant, although the cumulative effect of impacts is relevant in assessing the significance of harm (e.g. where the physical or psychological impact becomes more severe due to a person’s exposure to it in high volumes or over a long period of time).
- 4.19 We interpret ‘significantly adversely affecting the right to freedom of expression within the law’ to mean a lasting or severe effect on the rights of users or members of the public set out in [Article 10 of the European Convention on Human Rights](#), concerning the freedom to receive and impart ideas, opinions or information by means of speech, writing or images.²⁶
- 4.20 In relation to the final ground for making a super-complaint (under s.169(1)(c)), we consider that ‘adverse impact’ could encompass negative outcomes or harm to users or members of the public, other than physical or psychological harm or effects on freedom of expression rights as defined by the Act. These types of adverse effects or impacts could include, but are not limited to, societal impacts, such as impacts caused by mis/disinformation or risks to the democratic process, or risks associated with features that encourage excessive use.

What this means in practice

- 4.21 Organisations should focus on setting out a well-reasoned explanation that links a feature or conduct to a demonstrable risk of significant harm or adverse impact on users or members of the public. Ofcom will consider the argument made as well as the evidence provided to support the argument, which is discussed further below.
- 4.22 Indicative examples of super-complaints could be the following:
 - a) An organisation believes they have evidence that a feature of several online services popular with children is causing significant harm to children in the UK. Their super-complaint describes:

²⁵ ‘Harm’ is defined in the Act as meaning ‘physical or psychological harm’ – see section 234(2). Harm may also be ‘cumulative’ – from repeated encounters or harmful combinations of content, or indirect - in which a group or individual are harmed, or the likelihood of harm is increased, as a consequence of another person seeing harmful content, which then affects their behaviours towards others. See sections 234(4) and (5) of the Act.

²⁶ See section 236(1) of the Act.

- i) the nature of the harm they think is arising (such as grooming), and why its impacts are significant;
 - ii) the feature of the regulated services in question that leads to harm, and how (for example, the ability of adult users to message children they have not previously been connected with); and
 - iii) the evidence available to them that shows that child users of the regulated services are being harmed (for example, evidence of increasing reports of children in the UK being exposed to grooming since the feature was introduced). This is a mixture of qualitative evidence (for example, case studies of harm arising to children) and quantitative evidence (for example, estimates of the number of children using the feature, or survey data regarding the proportion of child users who have been contacted by people not previously known to them). Both the qualitative and quantitative evidence has been gathered using robust data sources and methods, and is not purely anecdotal.
 - b) An organisation believes they have evidence suggesting that the moderation practices of two major user-to-user platforms may be significantly undermining freedom of expression protected by the Act in the UK. Their complaint sets out:
 - i) the nature of the suspected conduct and why they believe that moderation systems are being applied to, for example, content of democratic importance relating to a specific political viewpoint, resulting in widespread restrictions despite the content appearing to comply with the platforms' terms of service;
 - ii) the potential impact on users' rights: they explain why this conduct may be disproportionately affecting a specific group of UK users (for example, supporters of a particular political group or movement) by limiting their ability to share and access information on matters of public policy and political debate; and
 - iii) the supporting evidence, available to them, including documented examples of content removals as reported by individuals and statistical data showing elevated moderation rates for content of this nature.
- 4.23 A super-complaint must also meet all the requirements to be admissible. The evidence to support a super-complaint and different research methods are discussed in paragraphs 4.26-4.44.

Super-complaints relating to a single regulated service or a service provider of one or more regulated services

- 4.24 If a super-complaint relates to a single regulated service or a single provider, the super-complaint must explain why the complaint is of particular importance, or how the issue relates to the impacts on a particularly large number of users of the service or members of the public.²⁷ Ofcom must be satisfied that a super-complaint that relates to a single service or provider is of particular importance to consider it as a super-complaint.
- 4.25 We intend to take a flexible approach to determining if a super-complaint is of particular importance, but we emphasise that these super-complaints should be reserved to the most severe issues. These are likely to address widespread and significant harm, especially to children. Ofcom does not set a numerical threshold for the number of users or members of the public that may be affected by the issue raised in a super-complaint. However,

²⁷ Regulation 4(1)(h) of the Regulations.

organisations should set out how the complaint relates to the impacts on a particularly large number of users of a single service/provider or members of the public.

Evidence of the impact of a feature or conduct

- 4.26 A super-complaint must be accompanied by evidence and explain how that evidence supports your view that one of the grounds in paragraph 4.14 is met. This means that a super-complaint must explain the link between the feature or conduct of the regulated service(s), and significant harm or adverse impact. The presence of harmful content on a regulated service alone is not sufficient grounds for a super-complaint.
- 4.27 The super-complaint must contain sufficient information for Ofcom to:
- a) be able to verify that any claims made about the evidence in the complaint are accurate, including the source of the evidence and any specific findings quoted in the complaint;
 - b) be able to evaluate and interpret that evidence; and,
 - c) be satisfied that the evidence is relevant to the complaint, current, and objective.²⁸
- 4.28 We give further detail about how to fulfil these requirements below.

Ofcom is able to verify claims are accurate and evaluate and interpret the evidence

- 4.29 To meet this requirement, we expect to be provided with the data and methodology from which you have drawn your claims so that we can understand the underlying rationale and why you have made that argument.
- 4.30 The data and evidence should be presented in a way that is easy to understand and interpret. This means avoiding unnecessary jargon and explaining any complex terms or concepts. The evidence provided should be clearly explained in the body of a super-complaint. Supporting evidence should be clearly organised and labelled.
- 4.31 The sources of data and information as well as the methodology and analytical approach should be transparent and accessible for verification.
- 4.32 Good practice is citing all sources clearly, such as providing copies of or links to the original research papers or reports and, where possible, the underlying data. Poor practice is using data from sources that are not publicly accessible or otherwise verifiable.
- 4.33 Evidence of individual pieces of harmful content, or harmful content in aggregate, are unlikely to be sufficient to support a super-complaint. We advise against submitting large files of harmful content without analysis. As set out below in 'Content warnings and illegal content', please contact Ofcom to discuss evidence of illegal content before submitting it as part of a super-complaint.

Relevant

- 4.34 The evidence should be directly related to the issue presented in the super-complaint.
- 4.35 Good practice would be using data that links a feature or conduct of service providers to realised or material risks of significant harm to or adverse effects on users. This could include a detailed description of the feature or conduct and how this has led to actual harm

²⁸ This is a legal requirement as per Regulation 4(1)(g) of the Regulations.

or the risk of harm, for example from surveys of users about whether they have been affected by this issue. Examples of poor practice include referencing unrelated statistics or data, such as general internet usage statistics or service usership, when the focus is on how a feature of a service gives rise to a particular type of harm.

Current

- 4.36 The data should be as current as possible to reflect the present situation. For evidence to be current, it should have ideally been collected in the 12 months prior to submission. Long term data tracking may form part of the evidence base, for comparative purposes, as a complement to more current data. Please provide dates of data collection and methodologies for research.
- 4.37 If a super-complaint seeks to link a feature or conduct of a regulated service or services to compliance with safety duties, then the evidence should relate to the period in which duties are in force.
- 4.38 Good practice is using the most recent data available, such as the user numbers for the current year. Poor practice is relying on outdated information, such as user numbers from a decade ago.

Objective

- 4.39 The evidence should be unbiased and not designed to favour any viewpoint.
- 4.40 Where using data from another source, good practice is using data from neutral, third-party sources. Features of research promoting objectivity include strong methods, robust analytical approach, and researchers having freedom to operate without influence. Poor practice is using data from biased sources or unreliable methods.

Other considerations for evidence

Research methods

- 4.41 Ofcom employs a wide range of research methods to support its work in online safety. We are interested in research and intelligence that utilises established and innovative methodologies. These include, but are not limited to:
- Cross-sectional, panel, or longitudinal surveys – to capture public attitudes, behaviours, and experiences over time or at a specific point.
 - Behavioural audits, usability testing, journey mapping, and randomised control trials (RCTs) – to assess online service performance in practice and test the effectiveness of interventions in controlled settings.
 - Avatar research and other forms of passive measurement – to unobtrusively collect data or simulate user experiences to identify risks or harms in digital environments.
 - Machine learning and other AI analysis – to detect patterns, classify content, or predict risks at scale.
 - Network analysis – to understand the spread of harmful content or behaviours across services and user communities.
 - Ethnographic and similar qualitative research – including interviews, focus groups, and digital ethnography, to gain in-depth insights into user and business experiences and perceptions and tactics, techniques, and procedures related to harms covered under the Act.

- 4.42 We expect organisations may draw on a range of sources, so this list above is not exhaustive or prescriptive.

Best practice principles for evidence

- 4.43 In addition to the requirements on evidence set out in legislation that are explained above, we have drawn up best practice principles for evidence used to support a super-complaint. We encourage organisations to consider these principles when collating evidence in support of their super-complaint to be most likely to be able to provide evidence that meets the admissibility criteria and can be considered by Ofcom.

- 4.44 These principles relate to both qualitative and quantitative evidence, and whether organisations are utilising primary or third-party research, evidence or analysis to support their super-complaint, the same principles will apply.

- **Accuracy:** The data and information used should be accurate and reliable. Data and statistics should be based on a breadth of experiences to ensure that it is generalisable. Good practice is cross-verifying data from multiple high-quality sources or following robust research methods when collecting and analysing data through primary research. Poor practice is using data without checking its validity, such as quoting numbers without a source.
- **Accessibility:** The sources of data and information as well as the methodology and analytical approach should be transparent and accessible for verification.
- **Completeness:** The evidence provided should cover all relevant aspects of the issue where possible. Good practice is providing wide-ranging data, which could be qualitative, quantitative or both, that can show the risk posed to a certain group as compared to other groups. Poor practice is providing selective data that does not give a complete picture, such as only focusing on one specific online harm but making claims about more than that one harm.
- **Consistency:** The data used should be consistent across different sources. Good practice is using data that is corroborated by different sources, such as metrics measured across multiple comparable online services or across multiple comparable research sources. Poor practice is using data that is contradicted by other sources without referencing those sources and explaining why they may be different.
- **Ethical considerations:** The data collection and usage should respect privacy and confidentiality. Good practice is anonymising personal data and obtaining necessary permissions, such as using aggregated data on online harm rates without revealing any personal information. Poor practice is using personal data without consent, such as sharing demographic data that could be used to identify respondents or using data which has been collected in a way which is unethical.
- **Replicability:** The methods used to collect and analyse the data should be clearly documented and replicable. This means that someone else with the same data should be able to reproduce the same results or, by following similar methods, obtain similar results. Good practice is providing a detailed methodology section that explains how the data was collected and analysed. Poor practice is not providing enough detail about the methods, making it impossible for others to replicate the work or drawing conclusions from external research where the methodology is not transparent.

- 4.45 Organisations should consider and comply with relevant legislation (e.g. data protection regulation) when selecting research and evidence gathering methods.²⁹

Content warnings and illegal content

Illegal content

If you have examples of suspected illegal content, please contact Ofcom first to discuss whether these should be shared with Ofcom.

Contact the police if you have seen illegal content or believe a crime may be taking place.

Do not send to Ofcom in any instance child sexual abuse images and videos or URL links to child sexual abuse and extreme pornography.

- 4.46 While a super-complaint should focus on features or conduct rather than instances of harmful content, we anticipate that eligible entities may submit supporting evidence that contains material which may be considered distressing. Examples could include descriptions of harm, URLs that link through to distressing content, , images, video or audio and accounts of people's experiences.
- 4.47 We request that if any distressing content is sent to support a super-complaint, it contains prominent advisory text, placed before any distressing content is visible, explaining that it a) contains distressing content/themes and b) outlines the nature of this content. This will allow us to deploy the most appropriate procedures to manage the super-complaint safely and effectively.

Restrictions and limitations on making a super-complaint

- 4.48 Ofcom can only consider super-complaints made by an eligible entity and which meet the admissibility requirements set out above. Ofcom must reject a super-complaint if we determine the organisation is not an eligible entity or that the complaint does not meet the grounds to be a super-complaint. Ofcom may reject a complaint that does not meet any of the other admissibility requirements.
- 4.49 **The six-month rule.** If a super-complaint has already been made by the eligible entity within the previous six months (even if the previous super-complaint submission has been rejected by Ofcom), except if it was previously rejected due to non-compliance with this six-month rule, Ofcom must reject it.³⁰ This restriction lasts from the day that Ofcom received the previous complaint and ends on the day after the end of six calendar months from this date.
- 4.50 The Regulations also set out that Ofcom may reject a super-complaint in the following circumstances:³¹

²⁹ For example, the Information Commissioner's Office (ICO) guidance on the data protection [research provisions](#); the [ICO joint statement on data scraping and the protection of privacy](#). [accessed 11 August 2025]; Office of the Privacy Commissioner of Canada, [Concluding joint statement on data scraping and the protection of privacy - Office of the Privacy Commissioner of Canada](#). [accessed 11 August 2025].

³⁰ Regulation 5(1)(d) of the Regulations.

³¹ Regulation 5 of the Regulations.

- a) **Repeating the substance of a current super-complaint.** If the super-complaint repeats the substance of another super-complaint already being considered by Ofcom, Ofcom may reject it.
- b) **Repeating the substance of a super-complaint from the past two years.** If the super-complaint repeats the substance of a super-complaint which has already been considered by Ofcom within the past two years, Ofcom may reject it. This condition applies only where Ofcom has made information about that super-complaint publicly available. 'Within two years' means the new super-complaint is received by Ofcom before the end of two years starting from the day Ofcom made publicly available information relating to the former super-complaint, unless the former super-complaint was rejected solely for non-compliance with the six-month rule or there has been a material change of circumstance since the former super-complaint.
- c) **If under consideration by a UK court.** If some or all of the matter of a super-complaint is being considered by a court in the United Kingdom, Ofcom may reject it.
- d) **If being considered by another regulator.** Where some or all of the matter of the super-complaint is being considered by another regulator in the United Kingdom, Ofcom may reject the whole complaint or that part of the complaint that is being considered by the other regulator. Once the regulator has stopped considering this issue, the super-complaint can be submitted, or resubmitted, to Ofcom.

4.51 Ofcom will inform the complainant of the reasons for this rejection.

Substituting a previous super-complaint

4.52 There may be occasions in which an eligible entity has already made a super-complaint and it is under consideration by Ofcom, but the eligible entity thinks that it is important that Ofcom first considers a different super-complaint as a matter of priority. Normally, the eligible entity will need to wait for six months to pass from submitting the first super-complaint to make another one. However, an eligible entity is permitted to withdraw the first super-complaint and substitute it with a new one. In this instance, Ofcom will stop the formal super-complaint process for the first super-complaint and will not be required to publish a response to it.

4.53 To substitute a super-complaint, the eligible entity must submit a new super-complaint accompanied with a statement that the entity is withdrawing the first super-complaint. This statement should include clear instructions for which complaint they want Ofcom to consider, e.g. 'the organisation is withdrawing super-complaint A and wants Ofcom to consider super-complaint B instead.'

4.54 If Ofcom has not yet made an assessment on the organisation's eligibility, we will continue to do so. If Ofcom has already assessed the organisation's eligibility and found it eligible, the 90-day period will recommence from the day Ofcom receives the new super-complaint (along with the request to substitute the first super-complaint).

4.55 An organisation cannot substitute their complaint using this mechanism if Ofcom has already provided a response to the original complaint.

Withdrawing a super-complaint

4.56 An organisation may withdraw their complaint by writing to Ofcom clearly outlining that they are withdrawing a super-complaint and including the date they originally submitted the super-complaint.

- 4.57 At this point, we will stop considering the complaint as a formal super-complaint and will not publish a response. We may, however, still consider the issues raised in the withdrawn super-complaint as we carry out our functions, as we would with other intelligence.
- 4.58 However, a super-complaint cannot be withdrawn after we have informed the organisation of our final response.

5. How will super-complaints be handled by Ofcom?

- 5.1 After we've received your super-complaint, we will:
- a) acknowledge receipt as soon as is practicable, noting the date we received the super-complaint;
 - b) usually note on our website that we have received a potential super-complaint, including the name of the organisation who has made it, a summary of the issue raised and the status of assessment; and
 - c) assess the eligibility of your organisation and tell you the outcome within 30 calendar days (or 15 calendar days if the organisation has previously been found eligible (see paragraphs 5.19-5.21)) beginning from the day after the date of receipt of the super-complaint.
- 5.2 If we find your organisation is eligible, we will proceed to consider the super-complaint and will respond to the super-complaint (including noting any grounds for rejection of part or all of the super-complaint) within 90 calendar days of having found the organisation to be an eligible entity. We will also publish a summary of the super-complaint, our response to it and our reasons for our response. We will normally seek to publish the full super-complaint and the supporting evidence alongside our response, unless there are good reasons not to.
- 5.3 These timings may be subject to change if further information is required to make the eligibility assessment or to fully consider the super complaint (see paragraphs 5.29-5.30).
- 5.4 Ofcom will seek to work collaboratively with the organisation making a super-complaint during the process. The best approach to this may vary from case to case.

Responding to a super-complaint

- 5.5 When considering how to respond to a super-complaint, we will adhere to the same principles that underpin all our regulatory activity, which should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.³²
- 5.6 The possible outcomes of a super-complaint include (but are not limited to):
- regulatory action by Ofcom (including, but not limited to, starting enforcement action against a regulated service);
 - opening a policy project to consider new measures that should be included in Codes;
 - conducting further user research to better understand the issue;
 - making another regulator, enforcement body or other authority aware of the super-complaint;
 - referring to the Department of Science, Innovation and Technology (DSIT) to consider the issue where it is out of Ofcom's remit;
 - taking no action; and/or finding the super-complaint to be unfounded.

³² Section 3(3) of the Communications Act 2003.

- 5.7 The above list is not exhaustive. It should also be noted that a super-complaint could generate more than one outcome depending on the issues raised. If we take no immediate action in relation to a super-complaint, the information within the super-complaint may still form part of our general intelligence gathering and we may decide to take future action as circumstances change and further intelligence becomes available. Where a super-complaint relates to an issue that we consider will be addressed by existing or planned work, or future duties coming into force, we will say so in our response.
- 5.8 We may also group or link our response to similar (but not duplicative) super-complaints in one response, if received within an overlapping period.
- 5.9 If we consider it is appropriate to take enforcement action as a result of issues raised by the super-complaint, the timeline of a super-complaint response does not preclude us starting any enforcement action before the expiry of the 90-day deadline for response. However, it is unlikely that consideration of a super-complaint alone will conclude with a decision that a service is in breach of its duties. Ofcom will apply its priority framework when considering enforcement action, and we will consider a super-complaint alongside other intelligence sources. See Ofcom’s Online Safety Enforcement Guidance for more information on how we consider enforcement action.³³
- 5.10 A super-complaint may relate to an issue that Ofcom is already considering for enforcement action. It may not be possible to bring forward intervention to coincide with our response or publicly discuss our consideration of enforcement action during the super-complaint response period (if, for example, doing so could compromise evidence-gathering).
- 5.11 If we have found the super-complaint to be unfounded or that no further action is warranted, we will provide our reasoning in the written response to the organisation and in the public summary.

The process in detail

Acknowledging receipt

- 5.12 Once Ofcom has received a super-complaint from an organisation, we will acknowledge its receipt by email to the individual representing the organisation as soon as practicable. If the super-complaint has been submitted by more than one organisation, Ofcom will only inform the lead organisation. The acknowledgement will also include the date on which Ofcom received the complaint.

How Ofcom assesses the eligibility of organisations

- 5.13 Unless the organisation has previously been found eligible, Ofcom will have 30 calendar days from the day after the date of receipt of the super-complaint to consider the eligibility of the organisation making the super-complaint. Ofcom will consider the evidence submitted in line with section 3 of this guidance and determine whether each criterion is met.
- 5.14 As set out in paragraphs 5.29-5.30, it is important that organisations respond to clarification questions or formal requests for information. We will not be able to consider a super-

³³ Ofcom, [Online Safety Enforcement Guidance](#).

complaint if we do not receive the necessary information to complete the eligibility assessment.

- 5.15 Ofcom will notify the organisation of the outcome of its eligibility assessment as soon as practicable after concluding the assessment, along with the date the assessment was made. Where we have determined that an organisation is not eligible, we will typically explain the reasons for this decision.
- 5.16 If the organisation is not found to be an eligible entity, Ofcom will conclude the super-complaint process and will not proceed to an assessment of the substance of the super-complaint. However, we may still consider whether the complaint raises issues that should be considered outside the formal super-complaints process. Ofcom may decide to publish the outcome of the eligibility assessment when reporting on super-complaints more generally.
- 5.17 If an organisation is found to be an eligible entity, we will move on to the admissibility assessment set out in the next section below.
- 5.18 If an organisation has been found ineligible to make a super-complaint, they should not attempt to make a super-complaint again unless there has been a material change in circumstance which means they now consider they are eligible.

Process for organisations previously found eligible

- 5.19 If Ofcom has previously found that an organisation is an eligible entity, it can apply for a shortened eligibility assessment for subsequent super-complaints made within five years from the day that Ofcom informed the entity that it is eligible. If the eligible entity wishes to submit a further super-complaint (provided it is more than six months after the submission of the last super-complaint, see paragraph 4.49), instead of re-submitting the supporting evidence, it can provide a statement that there have been no changes to the information previously provided and request that Ofcom shortens the 30-day eligibility assessment period to 15 days.
- 5.20 Ofcom will then have 15 days to re-confirm eligibility. If there have been any changes to the information previously provided, the organisation will have to submit new information for Ofcom to reassess eligibility. If there has been a change of circumstance that mean that Ofcom considers the eligibility criteria are no longer met, Ofcom will determine that the organisation is not eligible.
- 5.21 All other requirements on the admissibility of a super-complaint will still apply.

How Ofcom assesses the admissibility of a super-complaint

- 5.22 If an organisation is found to be an eligible entity, Ofcom will move on to consider whether the admissibility criteria have been met. This marks the start of the 90 days Ofcom has to respond to a super-complaint. As set out in Section 4, this will include evaluation of whether the complaint is in the correct format, whether the grounds for making a super-complaint are met, and whether Ofcom is able to evaluate the supporting evidence.
- 5.23 Where Ofcom finds that a reasoned case for a super-complaint has not been made or that we require clarification of the super-complaint, we will contact the organisation as soon as possible, setting out the further information or clarification that is required.
- 5.24 If Ofcom determines that the admissibility criteria are not met, we will inform the eligible entity that we are unable to consider the complaint as a super-complaint. As set out in paragraph 4.49, the six-month rule applies even if Ofcom has found the complaint

inadmissible. Therefore, we reiterate the importance of organisations closely following this guidance and engaging with Ofcom early to ensure that they understand the requirements. We will seek to inform organisations as soon as possible whether their complaint is admissible.

How Ofcom will consider the super-complaint

- 5.25 Where the eligibility and admissibility criteria are met, Ofcom then will perform a substantive assessment of issues raised by the super-complaint and consider the available response options (as set out in 5.5-5.11).
- 5.26 Ofcom will evaluate the evidence and arguments and, as necessary, obtain any further information to understand the issue. Further information required will vary case by case, but could include:
- internal research, based on information available to Ofcom;
 - approaching relevant regulated services or bodies representing regulated services for information;
 - making requests for information from the organisation making a super-complaint;³⁴
 - approaching expert organisations, advocacy bodies, regulators and/or government departments for information.
- 5.27 If appropriate, a meeting will be arranged between Ofcom and the organisation making a super-complaint within the 90-day assessment period to discuss any immediate questions about the evidence submitted and to indicate potential next steps to evaluate the issues raised by the super-complaint and options available to respond.
- 5.28 Ofcom will consider whether the super-complaint raises issues that also fall within the remit of another regulator or authority. If this is the case Ofcom will share the published summary of the super-complaint and coordinate with the relevant regulator or authority so a decision can be made on how to progress the super-complaint.

Clarifications and requests for further information

- 5.29 If we consider that we do not have enough information to assess an entity's eligibility or respond to all or part of the super-complaint itself, we may request further information. It is important that organisations making a super-complaint respond to clarification questions or requests for further information in a timely manner.
- 5.30 If we request further information, we may 'stop-the-clock' and extend the 90-day limit by the number of days elapsed between the time when we have written to the entity and when we have received a response with the requested information. If we do not receive this information within a reasonable time, we may not be able to fully consider the super-complaint and will say so in our response.

Ofcom's response

- 5.31 We will inform you of our response to the super-complaint and make our response publicly available within 90 calendar days of the entity being found to be eligible. This period is the maximum time allowed for a response, but we will endeavour to work as quickly as possible to respond.

³⁴ Either informally or by giving an information notice under section 100(1) of the Act.

Publication of super-complaints and Ofcom's response

- 5.32 We usually will note on the Ofcom website that we have received a super-complaint soon after we have received it, including the name of the organisation making the super-complaint, a summary of the issue(s) raised, and the status of assessment.
- 5.33 We may be limited in some instances in what we can share with a super-complainant and make public, such as information relating to an ongoing enforcement investigation, confidential business information or confidential information shared with us by partners.
- 5.34 Ofcom will usually publish on our website our full response, including what action, if any, we intend to take in response to the super-complaint. The published response will state the reasons for the decisions taken. In the interests of transparency, we would normally seek to publish the full text of a super-complaint and the evidence an organisation provides to support their super-complaint, alongside our response. We will not typically publish the information and evidence provided to support an eligibility assessment, although we will typically publish the substance of our eligibility assessment (in a non-confidential format if necessary).
- 5.35 We may also publish updates on follow-up actions taken.

Confidentiality and disclosure of information

- 5.36 In some cases, super-complaints or accompanying evidence may include confidential information – for these purposes we mean information that relates to the affairs of a body or private affairs of an individual, the publication of which would or might seriously and prejudicially affect the interests of that body or individual. An organisation making a super-complaint should clearly identify any such confidential information and explain, when making the complaint, their reasons for considering it confidential. Ofcom will take into account any representations made by complainants that certain information should be considered confidential. However, it is for Ofcom to decide what is or is not confidential, taking into account any relevant common law and statutory definitions.
- 5.37 Any confidential information provided to Ofcom is subject to restrictions on its further disclosure under the common law of confidence. In many cases, information provided to Ofcom is also subject to statutory restrictions relating to the disclosure of that information (regardless of whether that information is confidential information).³⁵ For example, where we have gathered information relating to a particular business in the exercise of our powers, section 393 of the Communications Act 2003 explains that Ofcom cannot disclose that information without the consent of the person carrying on that business, unless this is permitted for specific, defined purposes (and in many cases only to specific persons), as set out in sub-sections (2) to (7).³⁶ One of those purposes is where we consider disclosure necessary for the purpose of facilitating the exercise of our online safety functions. It is a criminal offence for a person to disclose information in contravention of section 393.³⁷

³⁵ For this reason, we do not generally consider it necessary to sign non-disclosure agreements.

³⁶ This general restriction does not apply in certain circumstances, including where Ofcom is publishing a report under the Act – although in these circumstances, Ofcom must have regard to the need to exclude from publication, so far as practicable, confidential information - or publishing details of enforcement action under the Act – although in this circumstances Ofcom may not publish confidential information.

³⁷ Section 393 of the Communications Act (general restrictions on disclosure of information), see Section 115 of the Act, Part 4, Chapter 4.

- 5.38 Ofcom has lots of experience in handling confidential information and is mindful of the importance of protecting it. We will generally redact confidential information from our publications or withhold it from disclosures that we make. However, occasionally, we will consider that it is appropriate to disclose it when permitted by law. When deciding whether to disclose confidential information we will carefully consider the need to disclose against any concerns or objections raised by the person providing the information in relation to its disclosure. If we are proposing to disclose information which someone considers confidential, we will normally first explain our intention to disclose the information (including the context in which we intend to disclose it) and give the person the opportunity to make representations about the proposed disclosure.³⁸ In circumstances where we are unable to resolve objections through constructive dialogue but remain of the view we need to disclose, we will provide them with advance warning. This will give the person concerned an opportunity to challenge our decision.
- 5.39 In some cases, we may decide not to publish certain information, even where it is not confidential. For example, we may decide not to publish distressing material such as narratives about suicide, on the basis that this could cause undue distress and would not facilitate the exercise of our functions.

Information for regulated services

- 5.40 Super-complaints must relate to one or more regulated services, or any conduct of one or more service providers. Therefore, we expect that Ofcom will interact with the relevant regulated service providers during the super-complaints process. However, the exact form of that interaction will vary dependent on the subject of a super-complaint.
- 5.41 We may exercise our statutory information gathering powers during a super-complaints assessment if we consider that we require the provision of information to prioritise our work effectively or to evaluate whether the evidence available to us merits investigation.
- 5.42 Please see the Online Safety Information Powers Guidance³⁹ for more information on what Ofcom's online safety information gathering powers are, when and how we might use each power, the obligations on stakeholders to comply with the powers and the potential consequences of non-compliance.
- 5.43 If we consider it appropriate to commence formal enforcement action in response to a super-complaint, we will follow our published Online Safety Enforcement Guidance.⁴⁰

Whistleblowing

- 5.44 If you work in a sector we regulate, you can report a concern to Ofcom as a whistleblower under the Public Interest Disclosure Act 1998 (PIDA). See our [Whistleblowing policy](#) on our website.

³⁸ There may be circumstances where this is not appropriate, for example where we are disclosing information to an overseas regulator for the purpose of an overseas criminal investigation relating the overseas regulator's online regulatory functions and giving notice of our intention to disclose the information to the overseas regulator could prejudice their investigation.

³⁹ Ofcom, [OS Information Powers Guidance](#)

⁴⁰ Ofcom, [Online Safety Enforcement Guidance](#)

A1. Super-complaint submission template

For complaints made by eligible entities under the Super-Complaints (Eligibility and Procedural Matters) Regulations 2025.

Before completing this template, please read carefully Ofcom's super-complaints guidance. A complaint that does not follow the guidance may be rejected.

Before submitting this template, tell Ofcom that you intend to make a super-complaint at this webform, and we will provide you with an email address to send the completed template and the required supplementary evidence to.

Basic details

Box 1: basic details	
Name of organisation (if a jointly submitted complaint, the lead organisation)	
Named individual at the organisation	
If a registered company, Companies House number If a registered charity, charity number	
Email address	
Address	
If jointly submitted, names of the co-signing organisations	
Please provide a high-level summary of your complaint that Ofcom may publish.	
Please indicate any sections or attachments that you consider to be confidential.	

Eligibility requirements

If you have been previously found eligible by Ofcom within the past five years, go to Box 3.

Box 2: eligibility requirements	
Representing the interests of regulated services, or members of the public	
Is your organisation an entity representing the interests of users/members of the public/a particular group of users/members of the public?	

Please specify which group(s) your organisation represents.	
Please explain the core mission of your organisation and how it represents the interests of users/members of the public/a particular group of users/members of the public.	
Please outline recent activities conducted by your organisation and how they support the interests of those who your organisation represents.	
Please outline and explain which foundational documents of your organisation you have provided (i.e. Articles of Association, constitution documents, etc.)	
Acting independently from regulated services	
Please provide details of your organisation's governance and accountability arrangements. Please outline any documents provided.	
Please provide details of your organisation's funding sources (i.e. annual reports and accounts). If you have been operating for less than 12 months, please outline how you are funded.	
Are there any (real or perceived) conflicts of interest or other reasons why you or your organisation might not be considered independent from regulated services? Please explain these and how they are mitigated.	
Contributing significantly, as an expert, to public discussions about online safety matters	
Please provide information demonstrating how the organisation routinely contributes significantly, as an expert, to public discussions about any aspect of online safety matters.	
Having due regard to Ofcom's super-complaints guidance	
Please confirm that you have consulted Ofcom's <u>guidance</u> and followed the processes set out in it.	

Organisations previously found eligible

Box 3: Previously found eligible organisations	
Has your organisation been previously found eligible by Ofcom within the past five years?	☐ Yes (answer questions below)

	☐ No (go to the next box)
Have there been any changes to your organisation since you were previously found eligible?	☐ Yes ☐ No
If yes, please outline these and explain why you consider the organisation to still be eligible.	
Please confirm whether you want Ofcom to reduce the eligibility assessment period to 15-days.	☐ Yes ☐ No

Admissibility of the complaint

Box 4: admissibility	
Please list the regulated service(s) or provider(s) of service(s) to which the complaint relates:	
Please set out and explain the feature of one or more regulated services, or the conduct of one or more providers of such services, or the combination of such features and such conduct, to which the complaint relates:	
Which of the grounds in section 169(1)(a), (b) or (c) of the Online Safety Act 2023 does the complaint relate to? Please select all that apply, if more than one applies.	The feature of one or more regulated services, or any conduct of one or more providers of such services, or any combination of such features and such conduct is, appears to be, or presents a material risk of: ☐ (a) causing significant harm to users of the services or members of the public, or a particular group of such users or members of the public ☐ (b) significantly adversely affecting the right to freedom of expression within the law of users of the services or members of the public, or of a particular group of such users or members of the public ☐ (c) otherwise having a significant adverse impact on users of the services or members of the public, or on a particular group of such users or members of the public.
Please outline what research and evidence you have provided to support your complaint.	
Explain how the research and evidence supports your view that	

one of the grounds in section 169(1)(a), (b) or (c) of the Online Safety Act 2023 is met.	
If the complaint relates to a single regulated service or a single provider of one or more regulated services, explain— (i) why the complaint is of particular importance, or (ii) how the complaint relates to the impacts on a particularly large number of users of the service or members of the public	
Have you contacted the relevant services in relation to the issue? If so, please provide details	

Confirmation statement

☐	I have not submitted a complaint to Ofcom within the last six months.		
☐	To my knowledge, the matter of this complaint is not currently being considered by a UK court.		
☐	To my knowledge, the substance of this complaint is not currently being considered by another UK regulator.		
☐	To my knowledge, the substance of my complaint has not been considered by Ofcom within the past two years.		
☐	I have read and considered Ofcom's super-complaints guidance.		
☐	I will not submit sensitive content to Ofcom without first discussing it with Ofcom.		
☐	I will respond to clarification questions from Ofcom.		
☐	The information contained within this complaint is, to the best of my knowledge, correct and true.		
Name		Signature	
Date submitted to Ofcom			

Evidence of eligibility

This is not a prescriptive checklist but represents a range of potential evidence to support each criterion.

Criterion 1: Representing the interests of users or members of the public

- Explanation of the nature of the organisation, purpose, activities and sectors covered and how long in existence (also for any trading arms).
- Charity registration and/or company number (where applicable)
- Details of the organisation's constitution (for example, Memorandum and Articles of Association, charitable purposes), including its legal or statutory status.
- Annual reports and/or impact statements on actions taken in the interests of users/members of the public.
- Evidence demonstrating experience of acting in the interests of users/particular groups, with examples and over what period, such as case studies.

Criterion 2: Acting independently from regulated services

- Details of the organisation's constitution (for example, Memorandum and Articles of Association, charitable purposes), including its legal or statutory status.
- Annual accounts.
- An explanation of how the composition of the entity and the arrangements for its governance and accountability are such that it can be relied upon to act independently from regulated services.

In some circumstances, particularly if the organisation receives funding or has representatives from regulated services involved in its governance, it may be appropriate to provide the following evidence:

- Documentation covering the organisation's decision-making procedures.
- Information on directors' real or perceived conflicts of interest.
- Explanation of whether there are any stipulations to funding from providers of regulated services.

Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters

- Reports or publications.
- Links to media articles/appearances.
- Transcripts of evidence given as an expert to select committees or other bodies.
- Information on other professional public speaking, such as conference appearances.
- Public awareness campaigns or initiatives, and evaluation reports as to their impact.
- CVs of experts working at the organisation (information about an expert's past projects at a different organisation could be evidence of expertise).