

# Online Safety Transparency Reporting

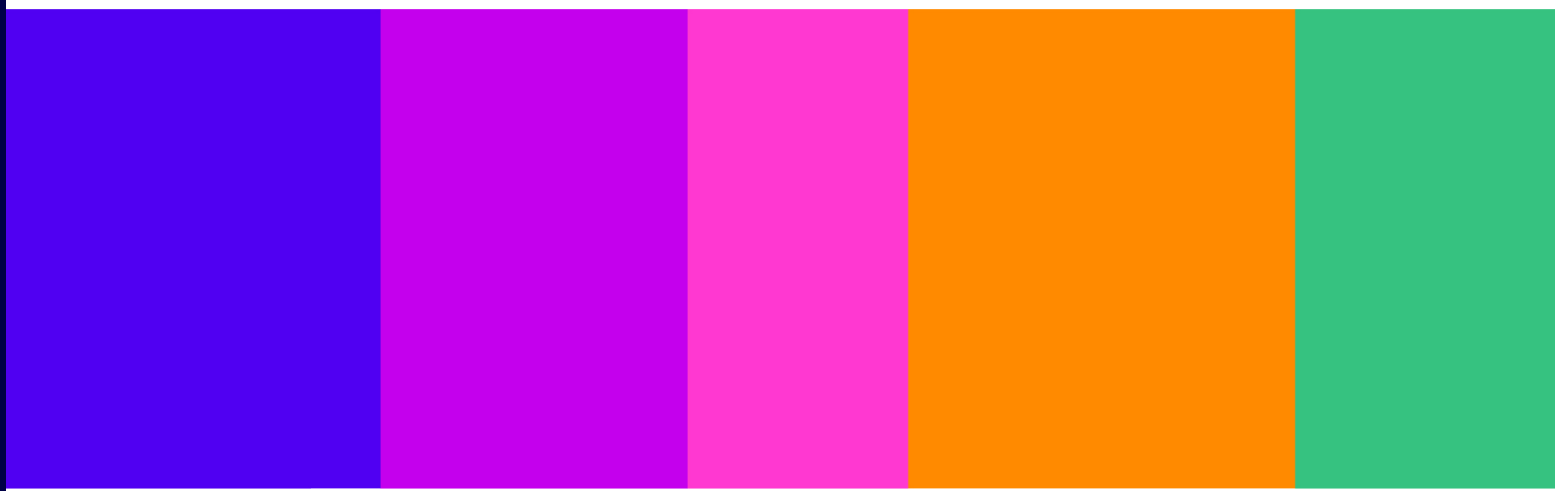
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Statement

## Statement

21 July 2025

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# 1. Overview

- 1.1 Ofcom is the online safety regulator in the UK. The Online Safety Act 2023 ('the Act') gives Ofcom powers to require providers to publish certain information about their service in public transparency reports. Ofcom is required by the Act to produce guidance about transparency reports and the relevant duties which apply to providers and Ofcom under the transparency reporting regime. This statement follows our Online Safety Transparency Consultation on the [draft transparency guidance](#) published in July 2024 and sets out our decisions on the [final transparency guidance](#).
- 1.2 Our decisions today on transparency reporting are the next steps in implementing the Act and creating a safer life online for people in the UK.
- 1.3 This statement, together with our future Codes and Guidance on Additional Duties for Providers of Categorised Services, supports the implementation of our third phase of the online safety regime.

## What we have decided – in brief

The decisions explained in this statement set out our final positions on our guidance on transparency reporting. Our final guidance explains when and how Ofcom will exercise its transparency powers. It is intended to be flexible to allow us to consider the individual circumstances in which we might require information, and to inform all stakeholders about the factors we may take into account when deciding the information we will require providers to produce.

There was broad support for our draft guidance among those who responded to our consultation. However, in response to stakeholder feedback, we have chosen to make some changes and clarifications to our position at consultation to further strengthen and provide clarity on our transparency guidance. These are explained across the three main areas of our guidance.

### **1) Ofcom's approach to determining the information in transparency notices<sup>1</sup>**

We have confirmed our position in the guidance that we will apply key principles to ensure the transparency notices are tailored to each service by considering if the information is relevant, appropriate and proportionate to require in the circumstances. We confirmed that risk is central to our approach and to how we will assess the factors outlined in the Act. Specifically, when considering a provider's capacity, we will engage directly with them during the draft notice process to gather relevant context and reduce risks - highlighted by stakeholders - of adopting a one-size-fits-all model.

### **2) Ofcom's plans to engage with providers and non-platform stakeholders<sup>2</sup>**

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<sup>1</sup> Chapter 3 of our final guidance.

<sup>2</sup> Chapter 4 of our final guidance.

We have amended our guidance to expand on our plans to engage with providers and other stakeholders to inform both our draft notices and our transparency reports. This is in response to stakeholder requests for a consistent and thorough engagement process. Engaging with civil society groups, academic and expert bodies is a critical aspect of our approach to developing regulatory policy at Ofcom, which we will apply in our transparency work.

### **3) Ofcom's plans for its annual transparency reports<sup>3</sup>**

We have amended our final guidance to emphasise that where we seek to make comparisons between services in our annual transparency report, we will take appropriate steps to mitigate, where possible, the risk of audiences misinterpreting the findings. This responds to stakeholder feedback that comparing information between online services is a complex task and should be approached carefully to ensure that comparisons are useful to the public. This requires consideration of where standardised or bespoke approaches to measurement are appropriate and ensuring that risks of misinterpretation through comparisons are adequately mitigated.

We have also clarified our decision to publish all provider transparency reports on our website, and our plans to engage with stakeholders where useful to gain insights on how best to present and make this information accessible to a range of audiences.

This overview section is a simplified high-level summary only. The decisions we have taken, and our reasoning, are set out in the full statement document below and in our guidance.

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<sup>3</sup> Chapter 5 of our final guidance.

## 2. Background

### Transparency duties – in brief

- 2.1 A small proportion of providers of services regulated under the Act will be required to comply with a range of additional requirements, largely focused on bringing an appropriate level of safety, transparency, and accountability to the online world. The duty to publish transparency reports is one of these additional duties.
- 2.2 Once a year, Ofcom must issue every such provider with a notice (“a transparency notice”) requiring them to produce a report about that service (a “transparency report”).<sup>4</sup>
- 2.3 Each transparency notice must detail a series of requirements, including: the information to be included in the provider’s transparency report, the format the information should take, and the date by which the report must be both submitted to Ofcom and published.<sup>5</sup> The information required in a notice will depend on the type of service, and Ofcom may only require providers to produce information relating to certain matters as specified in Part 1 (“user-to-user information”) and Part 2 (“search engine information”) of Schedule 8 to the Act.
- 2.4 Where a provider receives a transparency notice, it must produce a transparency report in accordance with the notice, ensuring the information is complete and accurate in all material aspects.<sup>6</sup>
- 2.5 Separately, Ofcom must also produce and publish its own transparency report at least once a year summarising insights and conclusions drawn from the transparency reports produced by providers. This must include patterns and trends that we identify, good industry practice and can include additional information that Ofcom considers relevant, such as new research, to help contextualise those findings for the public.<sup>7</sup>
- 2.6 We lay out the transparency duties in more detail in chapter 2 of our final guidance and set out Ofcom’s broader duties in Annex 1 of this statement.

### Who the transparency duties apply to

- 2.7 The duty to produce transparency reports is one of the additional duties that will apply to the small proportion of services that are listed in Ofcom’s register of categorised services. These are services that have been assessed to meet the threshold conditions set by Government in secondary legislation.<sup>8</sup>
- 2.8 Categorisation thresholds were passed into secondary legislation in February 2025. Ofcom is in the process of assessing relevant services against these thresholds and designate those that meet the conditions as either Category 1 or 2B (user-to-user services) or Category 2A

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<sup>4</sup> Where a provider is a provider of more than one categorised service, a notice must be given to the provider in respect of each categorised service (see Section 77(2) of the Act).

<sup>5</sup> Section 77(3) of the Act.

<sup>6</sup> Section 77 (4) of the Act.

<sup>7</sup> Section 159 (1) to (5) of the Act

<sup>8</sup> Ofcom must establish, publish and maintain a register of categorised services that meet the threshold conditions set by Parliament in secondary legislation: Section 95-96 of the Act.

(search services). Ofcom will conduct regular assessments to ensure that the register remains up-to-date and will re-publish the register as necessary to reflect the results of those assessments.

- 2.9 The duty to produce transparency reports is one of the additional duties that will apply to providers of all categorised services (those in Category 1, Category 2A or Category 2B). At the time of publishing this statement, Ofcom has not yet published the first register of categorised services. Providers of services should note that Ofcom will issue transparency notices only once the register is published. Ofcom will notify providers whose services are determined to meet the relevant threshold conditions about those decisions before publishing the list of services that meet the thresholds for Categories 1, 2A and 2B and the Emerging List of Category 1 Services.

## In this statement

- 2.10 The decisions explained in this statement set out our final positions on our guidance on transparency reporting, following Ofcom’s Online Safety Transparency Consultation published in July 2024 (“July 2024 Consultation”). To arrive at these final decisions about how Ofcom expects to operate its transparency reporting regime, we have considered the feedback we received from over 50 consultation responses in relation to the proposed draft transparency guidance.
- 2.11 We appreciate feedback from stakeholders and recognise the potential for transparency reporting to work alongside other regulatory levers to reduce the risk of harm to people in the UK.
- 2.12 We have addressed all relevant feedback, and our summary and consideration of these responses will be set out in chapters 3, 4, 5 and 6 of this statement. However, in cases where stakeholders raised comments about our Ofcom’s approach to other online safety duties, but did not make any specific comments about the guidance itself, we may have chosen not to respond to these directly or individually as these were outside the scope of the consultation.
- 2.13 Where stakeholders asked for clarity around specific terms used in the guidance,<sup>9</sup> we have added references to relevant definitions in the Act and amended wording for clarity in the guidance where appropriate to ensure it is understood as widely as possible.
- 2.14 We are broadly confirming the proposed approach from our July 2024 Consultation, which we are satisfied will support our objectives to drive safety improvements on services and empower users to make informed choices about where they spend their time online. These objectives are explained in the final guidance at paragraph 3.5.
- 2.15 We acknowledge the efforts that stakeholders made to respond to our consultation and have made a number of changes to the final transparency guidance as a result, which are explained in further detail in this statement.

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<sup>9</sup> Response to our July 2024 Consultation: The Free Speech Union, p.1, 2; Nextdoor, p.2.

## Next steps and high-level timeline

- 2.16 Once the register of categorised services is published, we will begin to engage with providers of categorised services immediately. We expect to issue the first draft transparency notices to selected providers soon after we publish the register of categorised services. Once we have reviewed any representations made about the draft versions of transparency notices, we will issue formal notices to providers.
- 2.17 The notices we issue to providers will include a deadline by which providers will need to publish their transparency reports. We would expect to see the first transparency reports published between 2 and 6 months after we issue final transparency notices. We will publish Ofcom's first transparency report within a year of the first provider transparency reports being published. We will aim to establish a set cadence on which these activities happen each year, so that all stakeholders know when notices will be issued and when reports are due to be produced by providers and by Ofcom.

# 3. How Ofcom determines what transparency reports should cover: principles and factors

## Introduction

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- 3.1 In chapter 3 of our draft guidance, we set out our proposed approach for determining what user-to-user information or search engine information we will require each year, and for each service. We explained that the wider context for decisions we make about transparency reporting will be guided by our strategic priorities and aims.
- 3.2 Transparency reporting will support Ofcom's broader goal of making the UK safer online. We will prioritise information that helps shine a light on safety risks, measures and governance practices across services.<sup>10</sup> Our approach is guided by four outcomes: strengthening safety governance, encouraging safety by design, supporting user choice and control, and promoting trust in services' safety services. These aims will shape the focus of our reporting each year and help ensure the information we require are set up to inform and empower audiences and drive improvements on services.
- 3.3 There were three main areas we received feedback on:
- a) **Topic 1:** Our principles and factors
  - b) **Topic 2:** Additional criteria we proposed
  - c) **Topic 3:** Matters about which information may be required

## Topic 1: Our principles and factors

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- 3.4 In chapter 3 of our draft guidance, we explained that we will be guided by certain key principles to ensure that the requested information is not only **relevant** to the service(s), but also **appropriate** to ask for in the circumstances to ensure that information requirements are tailored to individual services.
- 3.5 We also set out that we will act **proportionately** in our decision-making. In each case, we explained that we will only consider requesting information that is necessary for the purpose of helping us meet our aims and policy objectives. Providers record information in different ways and face different challenges in producing it, which is why we said we would seek to ensure that requirements are not unduly onerous. We will take a proportionate approach when setting information requirements for individual services, considering each provider's circumstances. In line with our general duty to ensure that our regulatory activities are proportionate,<sup>11</sup> we will aim to find the right balance between achieving our

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<sup>10</sup> See Figure 1, [Roadmap in Ofcom's approach to implementing the Online Safety Act](#) - Ofcom

<sup>11</sup> See Annex 1 for an overview of Ofcom's duties.

transparency ambitions and not making disproportionate information requirements either in volume or subject matter.

- 3.6 Alongside these principles, we explained that we will always take account of certain factors as mandated by the Act.<sup>12</sup> These are:
- a) the kind of service it is;
  - b) the functionalities of the service;
  - c) the number of users of the service;
  - d) the capacity of the provider;
  - e) the duties set out in Chapter 2 or 3 of Part 3<sup>13</sup> or Chapters 1 to 4 of Part 4<sup>14</sup> that apply in relation to the service;
  - f) the proportion of users of the service who are children.
- 3.7 We explained in the draft guidance at 3.13 that we will consider these factors in various ways, but ultimately seek to consider these holistically; none will take precedence over the other. Alongside the factors in the Act, we will consider two additional criteria: whether the information has been published or provided by the service elsewhere and if the information should be reported consistently over time/and or across the industry.
- 3.8 We received feedback on how to apply some of our proposed principles and factors in the Act when designing information requirements for transparency notices.
- 3.9 We explain the detail of this feedback and our proposed updates to the guidance in more detail in the following paragraphs.

## Factors in the Act: capacity of the provider

- 3.10 Ofcom must have regard to the capacity of the provider when deciding the information required in a notice. In the proposed draft guidance, we set out Ofcom’s proposed approach to considering a provider’s capacity when developing transparency notices and said that we were principally concerned with the provider’s financial resources and technical expertise.<sup>15</sup> While we expect providers to have sufficient capacity to meet their duties, we said we will engage with them during the draft notice process to understand any constraints.
- 3.11 In our July 2024 Consultation, we asked stakeholders what information would be most useful for Ofcom to consider when assessing a provider’s “capacity” as defined in the Act.<sup>16</sup> We have taken the responses into consideration in our decision to confirm the position we

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<sup>12</sup> Paragraph 37 of Schedule 8 to the Act.

<sup>13</sup> The duties of care that user-to-user and search services must comply with set out in Schedule 8, part 3 of the Act. These duties of care include, but are not limited to, carrying out illegal content and children’s risk assessments, protecting children’s online safety, empowering adult users, protecting content of democratic importance, and duties about content reporting and complaint processes.

<sup>14</sup> These are the additional duties service providers must comply with. These duties include, but are not limited to, user identity verification, reporting child sexual exploitation and abuse content, terms of service duties and deceased child user duties.

<sup>15</sup> Paragraph 3.24 of our draft guidance.

<sup>16</sup> Section 236 of the Act defines “capacity” as the financial resources of the provider, and the level of technical expertise which is available to the service provider, or which is reasonable to expect would be available to the provider given its size and financial resources.

took in our draft guidance, as discussed at paragraph 3.15 below. We will also keep specific recommendations about how best to measure the capacity of different kinds of providers under consideration when carrying out assessments of capacity as part of the notice design process itself, where appropriate.

## Summary of stakeholder responses

- 3.12 Industry stakeholders supported our proposed approach to considering capacity as a factor.<sup>17</sup> However, some stakeholders suggested that Ofcom consider factors in addition to financial resources and technical expertise when evaluating the capacity of a service provider, including the number of legal and compliance staff,<sup>18</sup> the complexities involved in collecting data and seeking input from multiple teams and stakeholders in organisations operating at a very large scale,<sup>19</sup> costs for producing accurate transparency data,<sup>20</sup> and other existing regulatory obligations.<sup>21</sup>
- 3.13 Civil society stakeholders emphasised that while information requests must be achievable, capacity considerations should not limit Ofcom’s transparency ambitions<sup>22</sup> and should not be narrowly interpreted as financial costs to providers.<sup>23</sup> One stakeholder noted that requirements may seem burdensome initially but become easier once processes are established.<sup>24</sup>
- 3.14 One stakeholder suggested avoiding employee numbers as a measure of capacity as this could incentivise keeping staffing numbers artificially low.<sup>25</sup>

## Our final decision

- 3.15 **We are confirming our approach as set out in the draft guidance, which we have not changed.** Our approach to capacity assessments will focus primarily on providers’ financial resources and available technical expertise, based on what is reasonable to expect given the provider’s size and financial resources. This aligns with the definition of “capacity” in the Act.<sup>26</sup>
- 3.16 We acknowledge stakeholder concerns that using certain variables could create unintended outcomes. We received a number of specific suggestions about how capacity might be best measured for different kinds of service providers. We have taken this feedback into consideration when deciding to confirm our approach to considering capacity. Stakeholders’ comments demonstrate that there is a contextual nuance required when determining the most appropriate information for measuring capacity for any individual service provider. The approach we have set out in the guidance allows us the scope to apply this nuance in practice, by engaging directly with providers through the draft notice process

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<sup>17</sup> Responses to our July 2024 Consultation; Apple, p.7; The Mid Size Platform Group, p.2; X, p.1 Trustpilot, p.7, 8.

<sup>18</sup> Responses to our July 2024 Consultation: The Wikimedia Foundation, p.4.

<sup>19</sup> Responses to our July 2024 Consultation: Apple, p.7

<sup>20</sup> Response to our July 2024 Consultation: Trustpilot, p.7 ,8.

<sup>21</sup> Responses to our July 2024 Consultation: xHamster, p.3, 4.

<sup>22</sup> Responses to our July 2024 Consultation: The Marie Collins Foundation, p.5; The NSPCC, p.2.

<sup>23</sup> Responses to our July 2024 Consultation: The Children’s Commissioner, p.1, 3.

<sup>24</sup> Response to our July 2024 Consultation: The Institute of Strategic Dialogue, p.3, 4.

<sup>25</sup> Response to our July 2024 Consultation: Integrity Institute, p.7.

<sup>26</sup> Section 236(1) of the Act.

to understand any relevant contextual factors that may apply in relation to capacity, for example, the potential time, cost and resource required to produce the information. We consider that our approach will aid in minimising the risks that were discussed by some stakeholders that may stem from a strict one-size-fits-all model for measuring capacity. We will endeavour to use the best available evidence about each provider, recognising that measuring capacity may vary across different kinds of companies.

- 3.17 This approach will ensure a robust capacity assessment that accounts for different service characteristics and business models and allows us to incorporate new relevant capacity information as the transparency regime and the industry develop.

## Factors in the Act: risk and number of users

- 3.18 Ofcom must have regard to the number of users on a service, alongside other factors, when determining the information to require in a notice. We stated that we will consider how user base size interacts with other features to influence risk.<sup>27</sup> We will tailor our requests accordingly including by focusing on relevant safety systems and processes that providers put in place, monitoring changes to a user base over time, and considering where a rapidly growing userbase might affect moderation capacity.<sup>28</sup>

## Summary of stakeholder responses

- 3.19 Some stakeholders were concerned that we have adopted a one-size-fits-all approach which didn't account for the diversity of the industry<sup>29</sup> and some wanted risk of harms and risk profiles to play a larger role in determining the information in our notices.<sup>30</sup>
- 3.20 Some stakeholders disagreed on how much weight should be given to the number of users on a service compared to other factors, such as the capacity of the provider. One stakeholder argued the number of users should be given more weight in certain contexts<sup>31</sup> while another did not think it was relevant.<sup>32</sup>

## Our final decision

- 3.21 **We are confirming our approach as set out in the draft guidance, which we have not changed.** We disagree with some stakeholders' view that we have adopted a one-size-fits-all approach to determining the information we will require and have adequately explained that we will apply our principles and factors to ensure the information we require is relevant, appropriate and proportionate to ask for – making use of our ability to tailor notices for individual services. We consider our approach is suitably designed with flexibility in mind to enable us to iterate our approach over time and across a varied industry. Considerations about risk of harm to users, and the factors that give rise to such risks on a service, are a central part of our approach set out in the guidance. These considerations inform the decisions we make about the information that must be included in notices.

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<sup>27</sup> Paragraph 3.16 of our draft guidance.

<sup>28</sup> Paragraphs 3.17 and 3.18 of our draft guidance.

<sup>29</sup> Responses to our July 2024 Consultation: Ukie, p.5; Vinted, p.7; eBay p.1; techUK, p.1.

<sup>30</sup> Responses to our July 2024 Consultation: UK Finance, p.2; eBay, p.1.

<sup>31</sup> Response to our July 2024 Consultation: 5Rights, p.3, 4.

<sup>32</sup> Response to our July 2024 Consultation: The Just Algorithms Action Group, p.4.

- 3.22 Our approach to user numbers and the other factors we are required to consider is designed to ensure that risk is appropriately and proportionately taken into account. We explained in our draft guidance that Ofcom will consider the available evidence to understand how the factors, including the number of users on a service, may affect the types of risks that arise and how significant those risks may be. We have stated that we will tailor our information requirements to prioritise risks that are particularly prevalent given the size and characteristics of a service. We believe that this approach reflects the requests from stakeholders for Ofcom to consider the risks generated by different types of user base.
- 3.23 We similarly considered risk in our approach to the other factors in Schedule 8 to the Act. We stated in chapter 3 of the draft guidance that, when taking into account the kind of service, functionalities, number of users, and proportion of users that are children, we will be drawing on information including our risk profiles, our registers of risks, and how these factors affect the nature of risks, and any specific risks that services pose to users.
- 3.24 In response to feedback about how much weight should be given to the number of users, we reiterate that when taking account of the relevant statutory factors, we may place more or less weight on any of our factors in a given case. None of these factors are listed in the Act as taking precedence over others, including the number of users.

## Factors in the Act: proportion of child users

- 3.25 Ofcom must have regard to the proportion of users that are children on a service when deciding the information to require. In response to feedback about this factor, we reiterate that where children use a service, we may tailor our notices to request information about child-specific risks and protections; where a significant proportion of users are children, we may require detailed information on how the service keeps them safe.

## Summary of stakeholder responses

- 3.26 Stakeholders had differing views on the extent that we should prioritise or deprioritise the proportion of child users as a factor.
- 3.27 A non-platform stakeholder argued this factor should be prioritised because of the prevalence of Technology Assisted Child Sexual Abuse and asked what proportion of child users may impact transparency notices,<sup>33</sup> while two industry stakeholders argued that we should not use this factor, particularly where the service is not attractive to children.<sup>34</sup>
- 3.28 The feedback highlights that stakeholders consider that more clarity is needed about how we will take this factor into account, and how we will consider this factor in relation to other considerations such as risk, target demographic and evidence of children being harmed on the service.

## Our final decision

- 3.29 **We are confirming our approach as set out in the draft guidance, which we have not changed.** The proportion of users that are children on the service may be informed by multiple datasets including, but not limited to, information from providers. We will use this information to help us tailor information requirements, so that transparency reports reflect

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<sup>33</sup> Response to our July 2024 Consultation: The Marie Collins Foundation, p.1, 3.

<sup>34</sup> Responses to our July 2024 Consultation: Nextdoor, p.5, 6; The Global Network Initiative, p.3.

the different measures taken by service providers to protect children from both illegal content and content that is harmful to children. For example, a social media service that allows and is popular with children is likely to have a higher proportion of children on its service compared to a service that is targeted at adults and uses highly effective age assurance. We therefore may choose to ask a higher volume of questions and more granular questions about safety measures that protect children to the former service. For services targeted at adults, we would likely focus more on questions that help us understand the provider's process for age assurance.

- 3.30 We will not seek to benchmark what proportion of children is significant enough to receive certain questions. We will take this information into account in combination with other factors to take an informed decision about the type, volume and specificity of information that we decide to prioritise for that individual service based on our understanding of how it may benefit UK users.
- 3.31 We will consider drawing on relevant sources of evidence that are available to Ofcom, potentially including providers' Children's Access Assessments, relevant risk assessments and relevant external research. These may help us to determine if we should include questions about systems, processes and measures that a service provider employs to protect child users.<sup>35</sup>

## Topic 2: Additional criteria we proposed

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- 3.32 We set out two other, non-statutory factors in chapter 3 of the draft guidance that we will consider in taking decisions about the content of notices. First, we said we would consider whether the information has already been provided or published by the provider and that we would use this to inform our considerations of what information is feasible for providers to collect, as well as circumstances where it may be useful to require UK-specific versions of already-published data.<sup>36</sup> Second, we said we would consider whether some information should be reported consistently over time and as part of 'core' information requirements, or on an ad hoc basis, as 'thematic' information requirements.<sup>37</sup> In our July 2024 Consultation, we also included relevant illustrative examples for core or thematic portions of notices and how these may be impacted by other considerations, such as whether that information should be comparable across the industry or bespoke to individual services.
- 3.33 We said we would draw on existing industry frameworks to help us identify the types of information that we will aim to standardise as core information requirements over time.<sup>38</sup> This will allow us to tailor our approach to meet our legal requirements, while integrating best practices from other examples of industry reporting.

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<sup>35</sup> Paragraph 5.14 of our draft guidance.

<sup>36</sup> Paragraph 3.26 of our draft guidance.

<sup>37</sup> Paragraph 3.28 and paragraph 3.30 of our draft guidance.

<sup>38</sup> World Economic Forum: [How to measure digital safety effectively to reduce risks online](#), 2024. Ofcom staff contributed to the writing of this report through Ofcom Online Safety Group Director, Gill Whitehead and co-author of the report, Collin Kurre. Ofcom also published a paper in May 2024: Evaluating online safety measures, where we set out how a widely used evaluation framework could be applied to assess the impact and effectiveness of online safety measures.

## Considering information that providers disclose elsewhere

### Summary of stakeholder responses

- 3.34 A number of stakeholders supported our proposal to consider information disclosed elsewhere when designing our transparency notices and some wanted more clarity on the information Ofcom would accept and how it would use information disclosed to Ofcom for other purposes.<sup>39</sup>
- 3.35 Other stakeholders disagreed with this proposal and raised concerns that this could create opportunities for services to avoid disclosing information or provide information that may not be fully accurate due to the context in which it was produced.<sup>40</sup>

### Our final decision

- 3.36 **We have amended our final guidance at paragraph 2.11 to clarify that information disclosed elsewhere will not prevent us from requiring the same information to be disclosed again in transparency reports produced in compliance with the provider's duties in the Act.** We will not accept other reports, including voluntary reports and reports required under other regulatory regimes, in lieu of transparency reports required by Ofcom under the Act.
- 3.37 We acknowledge stakeholders' concerns about information disclosed elsewhere potentially providing a loophole for non-disclosure, as well as concerns about the accuracy of information produced for different purposes. As stated at paragraph 3.26 of the draft guidance, we will take note of the information that services already include in their voluntary transparency reports and published reports required under other regulatory regimes to inform our considerations of what information is feasible for providers to collect, and where UK-specific versions of data already published may be useful. This information will not be taken as a proxy for information services are required to publish in a notice issued by Ofcom, nor will we exclude information from notices because it has already been disclosed to Ofcom previously or published elsewhere.

## Core and thematic information requirements

### Summary of stakeholder responses

- 3.38 Stakeholders wanted more information about what would constitute core or thematic requirements and made some suggestions about what these should include.<sup>41</sup>
- 3.39 Stakeholders showed support for standardised core information that is required consistently over time so that they could build and invest in the necessary technologies and

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<sup>39</sup> Responses to our July 2024 Consultation: The Centro de Estudios en Libertad de Expresión y Acceso a la Información, p.4; Trustpilot p.10, 11; Roblox, p.1, 2; The Wikimedia Foundation, p.6; Reset Tech, p.5; Nextdoor, p.6, 7.

<sup>40</sup> Responses to our July 2024 Consultation: The Antisemitism Policy Trust p.2; The Center for Countering Digital Hate, p.4, 5; The Molly Rose Foundation p.4, 5; The Online Safety Act Network p.6.

<sup>41</sup> The Atlantic Council's Digital Forensic Research Lab bilateral meeting with Ofcom, 4 October 2024; Responses to our July 2024 Consultation: Nextdoor, p.3; X, p.1; Mozilla, p.3, 6; LinkedIn, p.2; The UK Safer Internet Centre, p.8, 9; Google, p.3, 5; The Mid Size Platform Group, p.2; Vinted, p.3; TikTok, p.2; The Wikimedia Foundation, p.3.

processes needed to produce or analyse the information.<sup>42</sup> Industry stakeholders wanted thematic requirements to be optional or exceptional<sup>43</sup> and one noted that granular information about a specific topic can require significant effort to produce.<sup>44</sup>

- 3.40 A civil society stakeholder expressed support for thematic requirements, acknowledging their potential impact, but wanted Ofcom to be flexible in their application so that they could respond to security risks and get important information to the public quickly.<sup>45</sup> A stakeholder emphasised the importance of ensuring that children’s experiences and safety are consistently reported on, rather than being treated as a one-off or isolated theme within a single reporting year.<sup>46</sup>

## Our final decision

- 3.41 **We have amended our final guidance at paragraph 3.32 to clarify that we will require thematic information from a sub-set of service providers each year; this will not be optional – relevant providers will be required to produce thematic information where those requirements are included in their notice, in line with the duties in the Act.**
- 3.42 While we consider the draft guidance to be sufficient in explaining the difference between core and thematic information, it is important stakeholders fully understand our approach for determining the suitability of information for each portion of a notice.
- 3.43 By way of clarification, all core and thematic information requirements will relate to one or more of the matters listed in Schedule 8 to the Act. To determine the specific information requirements as they relate to these matters, we will apply the principles set out in paragraph 3.8 of the Guidance when taking into account the statutory factors in the Act. These principles will guide how we tailor information requirements for individual services, ensuring that we only request information that is relevant, appropriate, and proportionate in light of the specific factors that apply to a given service.

## Core information

- 3.44 **We are confirming our approach to core information as set out in the draft guidance, which we have not changed.** We understand that stakeholders want information to be standardised over time so that they can set up and establish their systems for ongoing reporting. As we set out in the draft guidance at paragraphs 3.28 and 3.29, we plan to establish a set of core information requirements that we will request over time to help us evaluate trends, assess performance, and aid comparability in the sector where feasible. However, these requirements will not necessarily be the same for all services as they are, to a certain extent, bespoke to ensure the relevance and specificity of the information. The exception to this is in cases where we have decided it is important to standardise particular requirements and where we think this is feasible to do without undermining the usefulness of the information provided.

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<sup>42</sup> Responses to our July 2024 Consultation: Google, p.3, 5; TikTok, p.1, 2; X, p.1; Pinterest, p.2.

<sup>43</sup> Responses to our July 2024 Consultation: Vinted, p.3; techUK, p.2.

<sup>44</sup> Response to our July 2024 Consultation: Snap, p.5.

<sup>45</sup> The Atlantic Council’s Digital Forensic Research Lab bilateral meeting with Ofcom, 4 October 2024.

<sup>46</sup> Response to our July 2024 Consultation: The NSPCC, p.7.

- 3.45 Core information requirements will seek to generally cover a range of topics that we have identified as important for helping the public understand the level of risk of harm on different services and the outputs, outcomes and effectiveness of their relevant safety systems and processes. This may include information about a service's policies, moderation systems, enforcement and governance processes, and its systems to detect and prevent underage children from accessing online services. These categories of information will seek to give stakeholders a holistic understanding of the steps services are taking to detect, address and measure the effectiveness of their systems and processes for dealing with illegal content or content that is harmful to children under the Act, as well as broader efforts to protect UK users from harm.
- 3.46 While we are committed to this approach, we know from other sectors Ofcom regulates that the development of ongoing or standardised industry measurement criteria can be a complex and iterative process and it can take time to establish measurements that effectively convey the desired information. We will seek to establish a core set of requirements as soon as possible to enable providers to set up their reporting systems as efficiently as possible.

### Thematic information

- 3.47 **We are also confirming our approach to thematic information as set out in the draft guidance, which we have not changed.** We acknowledge concerns from industry stakeholders that ad hoc and potentially granular information about a specific topic can require significant effort to produce. Thematic information requirements are a fundamental part of reporting and complementary to core information requirements. We will design thematic information requirements for relevant services that will allow us to delve deeper into a topic we have deemed particularly relevant and potentially impactful. We believe that this will support our overarching objectives for transparency reporting, namely the improvement of users' understanding the online services they might use and the encouragement of self-improvements in safety performance from services.
- 3.48 It should be noted service providers which are required to produce thematic information will not be required to produce a separate thematic report. All categorised services will be required to produce a single transparency report that covers all the information requirements (whether core and/or thematic) set out in their notice.
- 3.49 Ofcom will decide the focus area for thematic requirements in notices on an annual basis. Thematic information requirements will focus on a specific issue or set of risks that Ofcom has identified as important for achieving its objectives of building public understanding or driving improvements from services. The thematic focus may change annually or repeat over several years where we assess specific changes or improvements. As set out in our July 2024 Consultation, thematic information might seek to understand how services are addressing a certain issue and get a better understanding of the specific context and individual approaches taken by services. We may still seek to compare information, but given the ad hoc nature of thematic requirements, we would not expect to require services to produce metrics that only provide valuable information when reporting consistently over time.
- 3.50 While we recognise the challenges services can face in generating granular, quantitative data, particularly on a one-off basis for the purposes of reporting, it should be noted

thematic reporting requirements will not be set up to measure trends over time, but to look at specific practices, safety measures or manifestations of risk. It is likely that thematic requirements will involve the production of qualitative information in many cases, though we will not exclude quantitative requirements where we deem these relevant, appropriate and proportionate. In these cases, we will be mindful of the information that services already collect and only require services to generate new information where we deem it important and proportionate to do so.

- 3.51 We will use the factors set out in chapter 3 of the final guidance to determine the **relevance, appropriateness, and proportionality** of requiring thematic information from a specific provider each year. As set out in paragraph 3.23 of our final guidance, we will take into account the provider's capacity, amongst other factors, when deciding the volume and level of granularity of the sum total of the information we require from a specific provider each year. This is to ensure that our notices strike the right balance between driving our aims and proportionality. Additionally, we will consider representations on the draft notices to inform our final decisions on thematic information requirements.
- 3.52 We also agree with stakeholders that it is important to make urgent information available to the public as soon as possible during a security risk or extraneous event. Where Ofcom becomes aware of such events, we will consider which of our powers or levers are the appropriate channel to use in the circumstances. For example, Ofcom has information powers it can use to require information from providers about their services in section 100 of the Act and may, where directed by the Secretary of State to do so, require information from providers in the context of national security, health or public safety threats.<sup>47</sup> We also have other levers to encourage improvements in such circumstances, including our supervision function and enforcement powers. In such situations, we will consider the best method to supply information to the public in a timely manner or to encourage safety improvements from services in those specific circumstances.

## Comparable and bespoke information

### Summary of stakeholder responses

- 3.53 Stakeholders had different views on comparable and bespoke information. Some stakeholders supported our proposals to request comparable and quantifiable metrics,<sup>48</sup> with one stakeholder suggesting that bespoke requirements could hinder the development of baseline comparisons across the industry.<sup>49</sup>

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<sup>47</sup> Section 175 of the Act allows the Secretary of State to direct Ofcom to give a "public statement notice" to either a specified provider of a regulated service or to providers of services generally in the event of a threat to public health or safety, or to national security. Ofcom may require a provider of a regulated service to provide Ofcom with such information as we may require for the purpose of responding to that threat.

<sup>48</sup> Responses to our July 2024 Consultation: The Online Safety Act Network, p.3; The UK Safer Internet Centre, p.10; The Samaritans p.1; The Global Network Initiative, p.1, 2.

<sup>49</sup> Response to our July 2024 Consultation: The Online Safety Act Network, p.3.

- 3.54 Other stakeholders expressed support for bespoke requirements, and some argued that only a small number of metrics are truly comparable and that standardised, comparable metrics could be misinterpreted, resulting in relevant information being excluded.<sup>50</sup>

## Our final decision

- 3.55 **We are confirming our approach as set out in the draft guidance, which we have not changed.** The feedback highlighted that the use of comparable and bespoke information should be balanced, to mitigate the risks involved with requiring either bespoke or comparable information. We agree with stakeholders on this issue but consider that our draft guidance was clear in emphasising that for both core and thematic information requirements, our approach will balance the need for comparability across the industry with the flexibility to capture the most important service-specific insights.
- 3.56 In relation to comparable information, our proposal set out that we will consider what information requirements might enable comparisons between services.<sup>51</sup> In considering this, we will apply our principles of **relevance**, **appropriateness** and **proportionality** to ensure that information requirements are tailored to the specific service in question, while also enabling comparability across the industry where such opportunities arise. We also stated that where information is not standardised, we will present individual insights and seek to place them in the relevant context.<sup>52</sup>
- 3.57 We are therefore satisfied that it is not necessary to update our final guidance on our approach to determining which information to require in comparable form. However, stakeholders' differing concerns around the limitations of comparing some form of information versus the benefits of others suggests that it would be helpful to clarify Ofcom's position on comparability and our reasons for pursuing a flexible approach for decisions on comparability. The proposals we made in our draft guidance, and which we have maintained in our final guidance, allow us to consider different levels of comparability, each of which have different benefits and limitations.
- 3.58 For our 'core' information requirements, we will make decisions about information that should be comparable early in the regime, with an aim to apply the approach consistently each year. For our 'thematic' information requirements, these decisions will generally be made on a case-by-case basis year on year.
- 3.59 In making these decisions, we will consider both the method to generate the information and the expected form of information to be produced by providers. Three examples of this are:
- a) Information is an **exact match** – situations where both the substantive information required and the methodology for generating that information is prescribed in our notices.

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<sup>50</sup> The Atlantic Council's Digital Forensic Research Lab bilateral meeting with Ofcom, 4 October 2024; Ben Wagner bilateral meeting with Ofcom, 7 October 2024; Responses to our July 2024 Consultation: Apple, p.3, 4; Google, p.4, 5; The Integrity Institute, p.4.

<sup>51</sup> Paragraph 3.32 of our draft guidance.

<sup>52</sup> Paragraph 5.6 of our draft guidance.

- b) Information is **matching in output** - situations where the same substantive information is required in a comparable format, but the methodology is not prescribed in our notices.
- c) Information is **matching in intent** – in situations where the object of the substantive information is the same, but the format and method of generating the information is not prescribed in our notices.

- 3.60 **Exact matches** to enable direct comparisons offer several benefits. By having standardised requirements, companies may be incentivised to improve, either for reputational gain or to demonstrate leadership in driving industry best practices. This approach can also ensure fairness by applying consistent requirements across different companies, particularly regarding the types of information requested in notices.
- 3.61 **Matching outputs** can serve as an effective tool in supporting the regulation of individual services by enabling us to tailor information requirements to the specific context of each service. This approach allows for flexibility and greater accuracy, ensuring that requirements are proportionate and reflect the unique profile of each service.
- 3.62 **Matching intent** is particularly useful when seeking to understand the specific actions and effectiveness of an individual service. By tailoring information requirements to the unique context of each service, we can gain a clearer insight into how that service operates and its impact. This approach supports our ability to drive targeted changes and improvements with each service. However, while these methods provide valuable detail on individual services, it reduces the ability to make direct comparisons across services, which may limit our capacity to drive broader accountability and industry-wide improvements.
- 3.63 We are satisfied that our approach in the guidance gives us the flexibility to consider varying levels of comparability, which will help us ensure all information is required in a proportionate manner while helping us achieve our safety goals.

## Templates

- 3.64 In our draft guidance, we did not provide information about issuing reporting templates to providers.

## Summary of stakeholder responses

- 3.65 A civil society stakeholder suggested that a template would help with comparability.<sup>53</sup> Some industry stakeholders requested that where a template was prescribed, services would be able to include contextual information, explain their methodology, and add any relevant details.<sup>54</sup> One industry stakeholder expressed a preference for the specific reporting template to be provided prior to the start of the reporting period.<sup>55</sup>

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<sup>53</sup> Response to our July 2024 Consultation: NSPCC, p.8.

<sup>54</sup> Responses to our July 2024 Consultation: Google, p.13; TikTok, p.3.

<sup>55</sup> Response to our July 2024 Consultation: Google, p.13.

## Our final decision

- 3.66 **In response to stakeholder feedback about reporting templates, we have amended our final guidance at paragraph 4.9 to clarify that in the draft notice, we will seek to issue specific instructions regarding how we require the transparency report to be formatted, including a template where applicable.** This is in line with the duty on providers to ensure that transparency reports are produced in the format specified in the notice.<sup>56</sup>
- 3.67 **We have also amended our final guidance at paragraph 4.10 to clarify that we will allow providers to comment on the format, and template where applicable, via written representations during the draft notice process.**

## Topic 3: Matters about which information may be required

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- 3.68 We explained at paragraph 4.9 of the draft guidance that the draft notices will set out, amongst other details, the proposed information required.

### Matters about which information may be required

#### Summary of stakeholder responses

- 3.69 One stakeholder asked for clarity on the matters about which information may be required (as set out in Schedule 8 to the Act)<sup>57</sup> and some expressed concern that a lack of clarity may result in misleading findings, or unclear or overly burdensome compliance requirements.<sup>58</sup> One stakeholder stated that they were concerned with the broadness of certain matters that may be requested in Schedule 8, in addition to the other regulatory requirements that providers are subject to.<sup>59</sup>
- 3.70 Stakeholders asked for specific matters to be requested by Ofcom in our notices, including information about relationships between online services and state bodies<sup>60</sup> and information about actions taken by algorithms on services.<sup>61</sup>

## Our final decision

- 3.71 **We are confirming our approach as set out in the draft guidance, which we have not changed.** We recognise that the matters are broad and cover a variety of aspects linked to online safety. We also acknowledge stakeholder concerns around the potential burden on services. For this reason, we will apply the principles that we set out in the guidance to the factors we must take into account, to ensure the information requirements are tailored, proportionate and appropriate for individual services.
- 3.72 It would be inappropriate to confirm specific matters that will be required of service providers in their notices in the transparency guidance in response to stakeholder

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<sup>56</sup> Section 77(3)(b) of the Act.

<sup>57</sup> Response to our July 2024 Consultation: Which?, p.2.

<sup>58</sup> Responses to our July 2024 Consultation: xHamster, p.5; The Just Algorithms Action Group, p.2; Nextdoor, p.3; Google, p.3; Trustpilot, p.2, 3.

<sup>59</sup> Response to our July 2024 Consultation: The Just Algorithms Group, p.1.

<sup>60</sup> Response to our July 2024 Consultation: Big Brother Watch, p.5.

<sup>61</sup> Response to our July 2024 Consultation: The Just Algorithms Action Group, p.2.

suggestions, as we are required to consider various principles and factors in determining what we ask each individual service provider to publish. Confirming specific matters in our guidance would pre-empt that process. Providers will have an opportunity to comment on such matters in response to the draft notice.

## Suggested metrics

### Summary of stakeholder feedback

- 3.73 A large number of stakeholders responded with suggested metrics and information that we should consider incorporating into, or excluding from, our notices,<sup>62</sup> including a request for data to be broken down by nation.<sup>63</sup>

### Our final decision

- 3.74 **We are confirming our approach as set out in the draft guidance, which we have not changed.** It would be inappropriate to list specific metrics that will be required of service providers in their notices in the transparency guidance, as we are required to consider various principles and factors in determining what we ask each individual service provider to publish. Listing specific metrics in our guidance would pre-empt that process. Therefore, while we will take stakeholders' suggestions into account when considering the kinds of information that might be useful for different audiences to see, we will determine the contents of our notices in line with the approach set out in the draft guidance and we will engage with stakeholders for input, where relevant, as part of our engagement strategy set out in more detail in chapter 4.
- 3.75 We acknowledge the value in nation-specific data, particularly as devolved nations can take different approaches to the challenges of online safety. We recognise that nation-level data would help to inform devolved Governments and other bodies about the specific challenges and trends in different parts of the UK. We also recognise that there is currently a lack of data available pertaining to different parts of the UK and that asking for this data may help to fill existing gaps.
- 3.76 As a UK-wide regulator, we regularly publish reports and datasets that examine what is occurring across the UK's nations, including our Media Nations<sup>64</sup> and Connected Nations<sup>65</sup> reports in other regulated sectors. We will similarly consider where it may be useful to require providers to publish more granular information to support analysis trends and patterns at a nation-level. To do this effectively, we will engage with relevant stakeholders

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<sup>62</sup> Responses to our July 2024 Consultation: Glitch, p.4; The NSPCC, p.2, 3; Which?, p.4; The Ofcom Advisory Committee for Scotland, p. 1, 2; 5Rights, p.4; The Antisemitism Policy Trust, p.2, 5; Big Brother Watch, p.1, 6; The Center for Countering Digital Hate, p.3, 4; The Centro de Estudios en Libertad de Expresión, p.1, 3; Clean Up The Internet, p.1,3,4,5; Full Fact, p.2, 6; The Computer and Communications Industry Association, p.3, 4; xHamster, p.1, 4; The UK Safer Internet Centre, p.9, 10; The Molly Rose Foundation, p.5, 6; UK Finance, p.3; Reset Tech, p.4; The Samaritans p.2; The Institute for Strategic Dialogue, p.4, 6; The Integrity Institute, p.1, 4; The Online Safety Act Network, p.4,5.

<sup>63</sup> Responses to our July 2024 Consultation: The Ofcom Advisory Committee for Scotland, p.1, 2; The Ofcom Advisory Committee, p.1.

<sup>64</sup> [Media Nations](#)

<sup>65</sup> [Connected Nations](#)

to understand the type of information that it may be useful to require at this level of detail and how the production of this kind of information could support UK users' safety.

- 3.77 We will decide whether it is proportionate to require service providers to publish data for the UK nations. Where it is not considered proportionate, we may look to include third-party data or research in Ofcom's own transparency reports that does provide nation-level insights, for instance user survey data to add context about users' different experiences of risk and harm across the UK.

# 4. How Ofcom determines what transparency reports should cover: engagement

## Introduction

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- 4.1 In chapter 4 of the draft guidance, we set out our approach for engaging with providers ahead of sending final transparency notices. This included our plans to share draft notices with providers, to allow providers to make representations on their draft notices, and to account for the confidentiality and commercial sensitivity of requested information.
- 4.2 There were two main areas we received feedback on:
- a) **Topic 1:** Engaging with non-platform stakeholders
  - b) **Topic 2:** Engaging with industry stakeholders
- 4.3 In the following sections, we summarise the feedback we received from stakeholders on our proposed engagement strategy across and we set out whether we have made changes to the Guidance as a result.

## Topic 1: Engagement with non-platform stakeholders

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### Summary of stakeholder responses

- 4.4 Stakeholders raised concerns that our guidance does not go far enough to explain how Ofcom plans to engage with civil society. A large number of stakeholders recommended that we adopt a consistent and thorough engagement process in order to allow them to make formal recommendations and provide feedback on our approach to transparency reporting including the notice drafting process and our selection of key themes.<sup>66</sup>
- 4.5 Stakeholders' recommendations were mainly informed by concerns that engagement with industry stakeholders had been prioritised over engagement with non-platform stakeholders and that the draft guidance was crafted with industry front of mind.<sup>67</sup>
- 4.6 Some stakeholders suggested that we engage with a variety of non-platform stakeholders including those with lived experience, the Payment Systems Regulator, and regulatory counterparts in Brussels (the European Commission) to gather insights.<sup>68</sup>

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<sup>66</sup> Responses to our July 2024 Consultation: The Institute for Strategic Dialogue, p. 3; The Molly Rose Foundation, p.3; The Antisemitism Policy Trust, pp.2, 4; The Online Safety Act Network, p.2; Reset Tech, p.1, 2; The Samaritans p. 1, 2; Mozilla, p.4; 5Rights, p.5, 6.

<sup>67</sup> Responses to our July 2024 Consultation: The Molly Rose Foundation, p.3; The Online Safety Act Network, p.2; The Center for Countering Digital Hate, p.8.

<sup>68</sup> Responses to our July 2024 Consultation: Glitch, p.1, 5; UK Finance, p.5.

## Our final decision

- 4.7 **In response to stakeholder feedback about engaging with non-platform organisations, we have amended our final guidance from paragraphs 4.18 to 4.23 to include more information about how we will do this.** This includes information on engaging with various non-platform stakeholders while preparing Ofcom’s own reports to gather insights and engaging with organisations that can help us ensure our reports are as accessible as possible.
- 4.8 We have set out in our final guidance from paragraphs 4.18 to 4.23 that we plan to engage with civil society organisations and other relevant non-platform stakeholders throughout the annual transparency cycle to gather insights that may be useful for transparency notices, for Ofcom’s transparency report, and to request feedback in order to continuously improve our approach to transparency reporting.
- 4.9 Engaging with civil society groups, academics, and expert bodies to ensure our work is informed by their expertise is a critical aspect of our approach to developing regulatory policy. We also recognise the importance of including the perspectives of people with lived experience of harm, and we are committed to expanding opportunities for their input where relevant to transparency, beyond our existing engagement with these individuals to inform our policy development. This engagement serves two main purposes:
- a) To provide meaningful and accessible ways for people with lived experience to contribute beyond formal consultations.
  - b) To ensure our policies are shaped by, and benefit, those most affected by the harms we aim to address.
- We will also consider relevant research and insights from this ongoing engagement to inform our transparency notices where appropriate.
- 4.10 **We have also amended our final guidance at paragraph 4.17 to explain that once the draft notice phase has concluded, we plan to publish a high-level overview of the information we requested in our transparency notices once all final notices have been issued.** The aim of this document is to provide an overview of the types of information we have asked service providers to produce in their reports. This document will also provide information on how Ofcom has responded to feedback and insights gathered from non-platform stakeholders during our engagement activities.
- 4.11 As proposed in our July 2024 Consultation, we will continue engaging with the regulated industry and a range of expert stakeholders to understand what makes transparency reporting useful and meaningful. We will also work closely with international regulators, where possible, to learn from parallel transparency efforts, to seek alignment in processes and approaches where feasible and useful, and to communicate our insights.

## Topic 2: Engagement with industry stakeholders

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- 4.12 We proposed that each year Ofcom would share a draft transparency notice with service providers containing the information Ofcom proposes to require services to produce in their transparency reports.<sup>69</sup> This would allow providers to make written representations

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<sup>69</sup> Paragraph 4.7 of our draft guidance.

before the notice is formally issued. We explained that this process is intended to ensure the requests are clear, targeted and proportionate to the technical capabilities and capacity of the provider.

- 4.13 We proposed that we would allow providers to make written representations in respect of the information that we propose to require to be included in the report, or the manner and format in which that information is required via the draft notice process.<sup>70</sup>
- 4.14 Stakeholder feedback on engaging with industry stakeholders covered two broad themes:
  - a) our draft notice process; and
  - b) confidential and commercially sensitive information.

## Our draft notice process

### Summary of stakeholder responses

- 4.15 Industry stakeholders welcomed the opportunity to engage via the draft notice process.<sup>71</sup>
- 4.16 Another industry stakeholder wanted us to specify in the draft notice exactly what we aim to achieve with the requests, enabling the provider to assess whether alternative data points might be better suited to meeting the objective and suggest them accordingly.<sup>72</sup>
- 4.17 Industry stakeholders also suggested that we should communicate core and thematic information requests prior to the reporting period or issuance of draft notices, particularly when it involves new metrics.<sup>73</sup>
- 4.18 On the other hand, some non-platform stakeholders were concerned that our proposal to send draft notices gives service providers too much influence over the requirements in the final notices. Their views on written representations were mixed, with some suggesting that we do not allow representations<sup>74</sup> and others wanting us to be transparent about representations received and to monitor for signs of collusion.<sup>75</sup>
- 4.19 Non-platform stakeholders requested clarity about how engagement activities will be carried out, noting that aside from understanding that engagement involves draft notices, they remained unclear what engagement would take place.<sup>76</sup>
- 4.20 One non-platform stakeholder raised concerns that issuing notices in draft could slow down potential investigations into a serious or escalating issue and suggested that are circumstances where a draft notice may be inappropriate.<sup>77</sup>

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<sup>70</sup> Paragraph 4.10 of our draft guidance.

<sup>71</sup> Responses to our July 2024 Consultation: Apple, p.5; Google, p.5; xHamster, p.2; Gumtree, p.2, 3; The Wikimedia Foundation, p.3.

<sup>72</sup> Response to our July 2024 Consultation: Roblox, p.2.

<sup>73</sup> Responses to our July 2024 Consultation: The Wikimedia Foundation, p.5; TikTok, p.2; Google, p.6, 10.

<sup>74</sup> Responses to our July 2024 Consultation: The Samaritans p.2; 5Rights, p.5.

<sup>75</sup> Responses to our July 2024 Consultation: The Marie Collins Foundation, p.2, 4; 5Rights, p.5; The Antisemitism Policy Trust, p.3, 4; The Centre for Countering Digital Hate, p.2, 5; The Institute for Strategic Dialogue, p.2, 3; The Molly Rose Foundation, p.3.

<sup>76</sup> Responses to our July 2024 Consultation: The Just Algorithms Action Group, p.1; Glitch, p.5.

<sup>77</sup> Response to our July 2024 Consultation: The Children's Commissioner, p.4.

## Our final decision

- 4.21 **We are confirming our overall approach to issuing draft notices as set out in the draft guidance, which we have not changed.** However, as detailed at paragraphs 4.22 and 4.23 below, we have amended the guidance in two places to respond to specific stakeholder concerns about the details of this process in practice. We are satisfied there is value in giving service providers a draft notice and allowing them to make written representations in respect of the information that we propose to require to be included in the report. Although Ofcom does not have a duty to do so, providing a draft transparency notice and allowing service providers to make representations aligns with standard Ofcom practice when sending requests for information and helps us to ensure the fairness and proportionality of our regulatory processes. In response to stakeholder feedback that issuing a notice in draft could slow down investigations into serious issues, we emphasise that transparency reporting is one of a suite of information gathering tools at our disposal. Where we need information on a faster timeline to deal with a prescient security risk or issue, we will consider which tools are the most appropriate in the circumstances to bring information to the public quickly.
- 4.22 The engagement process is a regulatory tool to allow stakeholders to provide feedback prior to us making a final regulatory decision. While we will have regard to such feedback, it will not determine the information requested in the final notice. Our experience in other areas of regulation has found that providing an opportunity for formal comments on a draft version of an information request can help to improve the quality and accuracy of information provided by clarifying requirements and definitions. It is reasonable to give appropriate weight to comments on the draft notice responses, as the reports will be produced by the service providers, and their ability to provide such information is important to ensure the reports are beneficial to the public. However, all representations will be considered within context and with our outcomes in mind. We will consider provider representations to help ensure that we are asking the right information in the appropriate manner and form to best support our transparency aims - which at times may require us to change our approach. **We are therefore confirming our proposal to run a draft notice process.** However, we have taken into account and recognise the concerns that stakeholders have that the draft notice phase could be used by providers to “water down” or “minimise” the notices or by suggesting the information requested is commercially sensitive or confidential. **In response to stakeholder feedback, we have amended our final guidance at paragraph 4.11 to clarify that Ofcom will take the final decision on what the final notice requirements will be.**
- 4.23 **We have also amended our final guidance at paragraph 3.36 to explain that Ofcom will seek to announce its thematic focus each year alongside our plans for the reporting year, including our plans for engagement.** We recognise that providers will need as much advance notice as possible about the scope of core and thematic notices so that they can start preparing to fulfil their duties. We believe this is an appropriate way to give providers prior notice about the type of thematic information we may be looking to require based on our priorities so that they can start preparing.
- 4.24 We also believe that the public at large, including non-platform stakeholders such as researchers and civil society organisations, could benefit from this kind of advanced notice

of our thematic focus in considering their use of and engagement with Ofcom's transparency work.

- 4.25 While we are not proposing to give advanced notice of core information requirements, we note that providers will have the chance to review and make representations on the contents of core and thematic notice requirements once they have received a draft notice. We think that this is sufficient as once a baseline for core notice requirements have been established, providers will be able to set up their systems to regularly collect and report on the information for those purposes.
- 4.26 **We have also amended our final guidance at paragraph 4.17 to explain that once the draft notice phase has concluded, we plan to publish a high-level overview of the information we requested in our transparency notices once all final notices have been issued.** This decision is made in response to non-platform stakeholder feedback detailed at paragraph 4.18 of this statement. Our aim is to provide an overview of the types of information we have asked service providers to produce in their reports. This document will also provide information on how Ofcom has responded to feedback and insights gathered from non-platform stakeholders during our engagement activities.

## Retaining data

### Summary of stakeholder responses

- 4.27 A stakeholder suggested that we provide further guidance around the period for which services will need to retain the data provided in a notice, and any other data retention requirements that Ofcom expects service providers to put in place.<sup>78</sup>

### Our final decision

- 4.28 **We are confirming our approach as set out in the draft guidance, which we have not changed.** We will be proactive in our efforts to engage with relevant service providers about any new data or metrics that we will require them to produce as part of their transparency reporting duties, so that they are made aware about any changes needed to systems and processes around data retention.
- 4.29 When drafting notices, Ofcom will take into account relevant record-keeping duties<sup>79</sup> that require providers of regulated services to record specific information. This is one way in which we will develop a general understanding of relevant information that is likely to be held by a service.

## Guidance on reporting potentially harmful data

### Summary of stakeholder responses

- 4.30 One stakeholder stated that service providers reporting high levels of self-harm and suicide content, or poor content moderation could inadvertently draw vulnerable users to those

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<sup>78</sup> Response to our July 2024 Consultation: Google, p.4, 5.

<sup>79</sup> There are a variety of legal duties under the Act which apply to regulated services, where a written record must be made and kept about specific matters under the Act. Section 23, 34, 36(7) and 81 of the Act.

services, and we should therefore provide guidance on how they can report transparency data in a safe way.<sup>80</sup>

### Our final decision

- 4.31 **We are confirming our approach as set out in the draft guidance, which we have not changed.** We explained at paragraph 5.3 of the draft guidance that we want to encourage services to improve their safety systems and processes. We also want to empower UK users with relevant and accurate information about risks and safety outcomes on services so that they can take informed decisions about how to live their lives online.
- 4.32 We acknowledge the risk of drawing vulnerable users to services with potential risks of harm. Through our notice design process, we will aim to ensure that the information we request from providers does not inadvertently highlight information that could be misused by vulnerable user or bad actors. Providers will have the opportunity to raise any concerns about the information requested during the draft notice process.
- 4.33 **Ofcom engages on a regular basis with non-platform experts working on relevant areas of online harm, which will also inform our own understanding of the risks of publishing information about often sensitive issues.**

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<sup>80</sup> Response to our July 2024 Consultation: The Samaritans p.2

# 5. Production and format of Ofcom's transparency reports

## Introduction

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- 5.1 Under the Act, Ofcom must produce transparency reports based on information contained in the transparency reports produced by providers of categorised services in line with their transparency reporting duties in section 77 of the Act.<sup>81</sup>
- 5.2 Our transparency reports must contain a summary of conclusions drawn from the transparency reports produced by relevant providers regarding patterns or trends which we have identified in such reports, a summary of measures mentioned in such transparency reports which we consider to be good industry practice, and any other information from such transparency reports which we consider it appropriate to include.
- 5.3 In chapter 5 of the draft guidance, we explained our proposed approach to writing our transparency reports and the process that we will follow. We also explained that we may draw on information from sources beyond providers' transparency reports.
- 5.4 There were three main areas we received feedback on:
  - a) **Topic 1:** Our approach to writing our reports
  - b) **Topic 2:** Sharing our findings
  - c) **Topic 3:** Our confidentiality process

## Topic 1: Our approach to writing our reports

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- 5.5 In chapter 5 of the draft guidance, we set out details about the transparency report that Ofcom must produce each year, which will include insights from providers' transparency reports.
- 5.6 We stated that we will draw on core information requirements, which we will use to show changes or trends over time, and that we will also draw on thematic information requirements, which will enable us to draw out insights and best practices about certain risks or safety measures.
- 5.7 We also stated that where information is comparable, we will focus on identifying and presenting patterns and trends across different service providers in our report. Where it is bespoke, we stated that we will present individual insights and place them in the relevant context.
- 5.8 We explained that we will contextualise our findings and will conduct thorough reviews of all third-party datasets or metrics as well as our own research, assessing the design of the data collection and analysis conducted so that we understand any limitations.

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<sup>81</sup> Section 159 of the Act.

- 5.9 We stated that through comparability, our hope is to incentivise services to pursue self-improvements and demonstrate leadership in the industry around good safety practice on certain issues and areas.

## Comparing services

### Summary of stakeholder responses

- 5.10 A number of civil society stakeholders supported our proposal to compare service providers in our transparency reports<sup>82</sup> and some suggested specific formats for presenting this kind of analysis, including Scam League Tables.<sup>83</sup>
- 5.11 On the other hand, several industry stakeholders raised concerns that comparing service providers may be misleading if presented without proper context and some cautioned against using standardised metrics.<sup>84</sup>

### Our final decision

- 5.12 **In response to stakeholder feedback about our comparison of services, we have amended our final guidance at paragraph 5.8 to emphasise that we will include the necessary information to contextualise our findings and mitigate the risk of misleading our audiences where we draw out points of comparison between services.**
- 5.13 We recognise the importance of comparability and the usefulness of comparing services for driving improvements on services and helping users make informed choices about where they spend their time online. We also acknowledge respondents' concerns around comparisons being misinterpreted and the importance of ensuring that information is contextualised, and relevant caveats are stated.
- 5.14 We don't consider it appropriate to set out in our guidance the precise format we propose to use for presenting comparable data. However, we will be considering the best way to compare and present information in our reports in a way that will drive the most impact. We have not standardised a single set of metrics yet but as the regime matures, we may consider doing so.

## The role of our reports

### Summary of stakeholder responses

- 5.15 Some stakeholders made suggestions about the role our reports can play, including to help inform media and civil society analysis of service reports data and produce learnings from categorised services that can apply to non-categorised services.<sup>85</sup> One stakeholder highlighted that the reports can demonstrate how Ofcom is implementing the regime in a

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<sup>82</sup> Responses to our July 2024 Consultation: The NSPCC, p.6; The Antisemitism Policy Trust, p.3; The OpenMined Foundation, p.4; Big Brother Watch, p.7; X, p.1.

<sup>83</sup> Response to our July 2024 Consultation: UK Finance, p.2, 4.

<sup>84</sup> Responses to our July 2024 Consultation: TikTok, p.3, 4; Apple p.3, 4; The Match Group, p.2, 3; Roblox, p.2; Snap, p.3; eBay, p.2; Nextdoor, p.4, 5; Pinterest, p.2; The Mid Size Platform Group, p.3; xHamster, p.2; X, p.1; Trustpilot, p.9, 10; Meta & Whatsapp, p.10, 11.

<sup>85</sup> Response to our July 2024 Consultation: The NSPCC, p.7.

proportionate manner.<sup>86</sup> Another stakeholder noted that it would be helpful to understand how Ofcom's reports could aid in developing media literacy skills.<sup>87</sup>

## Our final decision

- 5.16 **We are confirming our approach as set out in the draft guidance, which we have not changed.** Media literacy has been an important part of Ofcom's role since it was established. Ofcom has a duty under the Communications Act 2003 to research and promote media literacy across the UK, which includes expanded duties relating to online safety matters.<sup>88</sup> In October 2024, we published our three-year media literacy strategy which will enable us to fulfil our media literacy duties - and particularly our strategic priorities: "media we trust and value" and "a safer life online" - through our wide range of powers and duties under broadcasting and online safety legislation.<sup>89</sup>
- 5.17 As we implement the Act, we will continue to draw on our media literacy expertise and understanding of consumer behaviour to shape our regulatory expectations of online services. As the transparency regime matures, we may consider the role of our transparency reports in developing and supporting media literacy skills.
- 5.18 We acknowledge that transparency reports will only be required of categorised service providers. However, as stated in our published guidance on A Safer Life Online for Women and Girls,<sup>90</sup> we think that non-categorised services can also engage in transparency reporting to improve accountability and better enable informed decisions, through drawing on analysis from providers' and Ofcom's transparency reports.

## The content of our reports

### Summary of stakeholder responses

- 5.19 Some stakeholders provided specific suggestions of the types of content that we should include in our transparency reports. This included insight into specific harms and metrics,<sup>91</sup> how harmful content is experienced by users and any differences in public and private transparency report content,<sup>92</sup> actions taken by services in response to transparency notices,<sup>93</sup> emerging trends and risks,<sup>94</sup> and an analysis of data by nation.<sup>95</sup>
- 5.20 Some stakeholders also encouraged us to exercise caution when considering information disclosed elsewhere.<sup>96</sup> In particular, one industry stakeholder was concerned that non-

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<sup>86</sup> Response to our July 2024 Consultation: The Mid Size Platform Group, p.4.

<sup>87</sup> Response to our July 2024 Consultation: The Ofcom Advisory Committee for Scotland, p.4

<sup>88</sup> Duties include Ofcom taking steps that heighten the public's awareness and understanding of protecting themselves and others when using regulated services and that encourage the development and use of technologies and systems to support users of regulated services to protect themselves and others. See section 11 and 11A of the Communications Act 2003

<sup>89</sup> [A Positive Vision for Media Literacy: Ofcom's Three-Year Media Literacy Strategy](#)

<sup>90</sup> [A Safer Life Online for Women and Girls: Practical guidance for tech companies](#)

<sup>91</sup> Responses to our July 2024 Consultation: Which?, p.4; UK Finance, p.4, 5.

<sup>92</sup> Response to our July 2024 Consultation: The Centre for Countering Digital Hate, p.7, 8.

<sup>93</sup> Response to our July 2024 Consultation: Mozilla, p.8, 9.

<sup>94</sup> Response to our July 2024 Consultation: techUK, p.6.

<sup>95</sup> Response to our July 2024 Consultation: The Ofcom Advisory Committee for Scotland, p.1, 2.

<sup>96</sup> Response to our July 2024 Consultation: Trustpilot, p.10, 11.

provider data could include biases and urged that we consider the information, and how we frame it, carefully.<sup>97</sup>

## Our final decision

- 5.21 **We are confirming our approach as set out in the draft guidance, which we have not changed.** We explained at paragraph 5.2 of the draft guidance that our reports will contextualise our findings, drawing out points of comparison between services and highlighting examples of best and poor practice for the wider industry. At paragraph 5.14 of the draft guidance, we stated that we will primarily use information from providers' transparency reports to inform our reports. However, we may also draw on information from other sources.
- 5.22 We acknowledge the feedback we received about what we could and should include in our reports. However, given that the content of provider transparency reports may differ year on year, we will not be committing ahead of time to including certain content in our Ofcom transparency reports. We therefore do not consider it appropriate to set this out in our final guidance.

## Topic 2: Sharing our findings

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- 5.23 We explained at paragraph 5.6 of the draft guidance that the types of information published by service providers (core and thematic, comparable and bespoke) will affect our approach to presenting and communicating our conclusions.
- 5.24 We stated at paragraph 5.5 of the draft guidance that we may look to engage with expert organisations (among others) to ensure our report is properly understood and to learn about any improvements we can take forward for future reporting.
- 5.25 We proposed in our July 2024 Consultation that we would undertake targeted communication activities to spread the key messages of our reports. This will ensure that UK users of regulated services, as well as the parents or carers of young people who use these services, can have access to information that will allow them to take evidence-based and informed decisions about which services to use (or to allow children to use) and the ways in which they want to use these services.
- 5.26 We also recognised in our Consultation that journalists, civil society, and other public-facing stakeholders may choose to amplify the key messages from our reports to the public.

## Summary of stakeholder responses

- 5.27 Stakeholders had several suggestions about making provider transparency reports and the findings in Ofcom reports accessible, particularly for independent researchers and children. These suggestions include asking for downloadable raw data formats such as CSV, spreadsheet, or JSON,<sup>98</sup> developing an online transparency centre that links to all reports in one place and encouraging large services to produce interactive dashboards alongside static

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<sup>97</sup> Response to our July 2024 Consultation: The Mid Size Platform Group, p.2.

<sup>98</sup> Responses to our July 2024 Consultation: Reset Tech, p.5; The NSPCC, p.8; The Institute for Strategic Dialogue, p.3; The Integrity Institute, p.8.

reports,<sup>99</sup> involving transparency delegates,<sup>100</sup> and producing child-friendly documents.<sup>101</sup> A stakeholder also suggested using transparency data for the purposes of fraud prevention.<sup>102</sup>

- 5.28 One stakeholder also suggested that we should a version of our report which is shorter and accessible to non-expert audiences.<sup>103</sup>

## Our final decision

- 5.29 **We are confirming our approach as set out in the draft guidance.** However, we note for stakeholders' awareness that we will publish provider transparency reports on our website, alongside Ofcom's own reports, so that all transparency information is accessible in one place. While the Act requires both provider and Ofcom transparency reports to be made publicly available, we recognise that provider reports may be published in different formats and locations, which could make them harder to find. We will continue to engage with stakeholders to identify the most effective ways to present and communicate this information, helping to ensure it is accessible and useful to a wide range of audiences.
- 5.30 We note stakeholder feedback on the frequency of our reports and will consider the appropriate cadence for our transparency reporting. **We have not updated the guidance to reflect any decisions on this matter.** Ofcom is required to publish at least one transparency report each year. In the first year of the regime, we plan to produce two reports - one report focused on core information and the other on thematic reporting. We may choose to adapt this approach as the transparency regime matures and based on what we learn (including from feedback from stakeholders) about the most effective ways to communicate our findings.

## Topic 3: Our confidentiality process

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- 5.31 We explained at paragraph 4.14 of the draft guidance that we may require information to be produced in a provider transparency report that a provider considers commercially sensitive or confidential for other reasons. Before deciding on whether to require such information to be published, we will provide an opportunity during the draft notice process to the provider to present any concerns arising out of such publication, including around the confidentiality of the information, and will seek to take this into account when reaching a decision. Where appropriate, we will liaise with relevant persons to inform our final decision.
- 5.32 Under the Act,<sup>104</sup> when publishing Ofcom reports we must have regard to the need to exclude from publication, so far as practicable matters which are confidential. Therefore, as part of our process for developing our Ofcom report we will consider if a matter is confidential and, if it is confidential, consider whether we will publish it in our report.
- 5.33 However, the information in our report will be largely based on information produced in published service transparency reports. Therefore, the majority of the information that will

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<sup>99</sup> Response to our July 2024 Consultation: The Institute for Strategic Dialogue, p.3.

<sup>100</sup> Response to our July 2024 Consultation: Mozilla, p.4.

<sup>101</sup> Response to our July 2024 Consultation: The Children's Commissioner, p.1, 6.

<sup>102</sup> Response to our July 2024 Consultation: Which?, p.4.

<sup>103</sup> Response to our July 2024 Consultation: The NSPCC, p.8.

<sup>104</sup> Section 164(2) of the Act

be disclosed in our transparency reports will be disclosed by service providers and in the public domain.

## Naming providers

### Summary of stakeholder responses

- 5.34 Several industry stakeholders recommended that where we discuss a particular service provider in our own transparency reports, we anonymise them, engage with them prior to publication, or offer advance sight of our reports.<sup>105</sup>

### Our final decision

- 5.35 **We are confirming our approach as set out in the draft guidance, which we have not changed.** Our transparency regime is designed to shine a light on good and poor practice which, in some cases, will not be possible to do without naming services. We acknowledge stakeholder feedback about having an opportunity to respond to the conclusions that we draw in our own reports. However, our transparency regime seeks to drive improvements on services and empower UK users with information to live safer lives online. To achieve this in practice, we will need to ensure that we are requiring information that is meaningful for our audiences. We will name providers in our transparency reports where appropriate and where this serves the underlying regulatory purpose of the transparency regime. This could include where we are presenting findings from provider reports or drawing conclusions about best practice. However, we will always act consistently with any statutory restrictions on information disclosure that apply and treat providers fairly.
- 5.36 Furthermore, the majority of the information we will be basing our insights and summaries on will be information from the transparency reports already published, meaning that information would already be in the public domain and associated with a specific service. There would therefore be no strong reason to anonymise such information, where it is attributable elsewhere in the public domain.
- 5.37 As is standard Ofcom practice, we will issue copies of our reports under embargo ahead of publication. This is for information purposes only and is not an opportunity for stakeholders to make representations about the content of our report.

## Confidential or commercially sensitive information

### Summary of stakeholder responses

- 5.38 Some industry stakeholders expressed their concern on Ofcom's approach to require providers to publish or share confidential information, noting that, for example, it could impact rights around privacy and intellectual property or trade secrets, or that it could aid bad actors or circumvention.<sup>106</sup>

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<sup>105</sup> Responses to our July 2024 Consultation: Apple, p.5; The Mid Size Platform Group, p.3; The British Retail Consortium, p.3; The Computer & Communications Industry Association, p.1, 2; eBay, p.1; Snap, p.3; Google, p.8, 9; TikTok, p.3; Pinterest, p.4.

<sup>106</sup> Responses to our July 2024 Consultation: eBay, p.2; Apple p.8; Google, p.11; The Mid Size Platform Group, p.3; The Computer & Communications Industry Association, p.3, 4; Vinted, p.4; xHamster, p.5, 6; Roblox, p.2, 3; British Retail Consortium, p.2, Meta & WhatsApp, p.10, 11, Microsoft p.3; TikTok p.3; techUK, p.2, 5; Nextdoor, p.9, 10.

- 5.39 On the other hand, civil society stakeholders argued that services should not be allowed to use this argument to avoid publishing information and that business interests are not the priority, especially as the majority of information is unlikely to be confidential or commercially sensitive.<sup>107</sup>

## Our final decision

- 5.40 **In response to stakeholder feedback about confidential or commercially sensitive information, we have amended our final guidance at paragraph 4.11 to clarify that Ofcom will have the final say on what the final notice information requirements will be.** Ofcom will ultimately decide when information should be kept confidential.
- 5.41 As part of our process to determine the information requirement for transparency notices, we will consider if information is appropriate to produce in a transparency report prior to issuing a draft notice, having regard to the confidentiality or commercial sensitivity of particular information. Service providers will have the opportunity to make representations on any information they consider to be confidential during the draft notice process, including explaining potential harm to legitimate business interests and any fundamental rights that the provider may have. However, representations should clearly explain with evidence where applicable, why information is confidential or commercially sensitive. The draft notices will set out more detail on how to make representations around alleged confidential and commercial sensitive information.
- 5.42 In relation to confidential information in our Ofcom report, we said at paragraph 4.15 of the draft guidance that in some cases, service providers may have submitted information to us that has not been formally requested and that is not intended for publication and may be considered by them as confidential. In addition to our duty to consider confidentiality under section 164 of the Act (as outlined at paragraph 5.32 above), Ofcom is prohibited from disclosing information regarding a business obtained in the course of exercising our functions, unless we receive consent from the relevant business or can justify the disclosure under one of the gateways specified in section 393(2) of the Communications Act 2003. Therefore, if we were considering the disclosure of such information in the Ofcom report, we may engage directly with the relevant service provider about the proposed disclosure.

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<sup>107</sup> Responses to our July 2024 Consultation: The Marie Collins Foundation, p.5, 6; 5Rights, p.6; The Integrity Institute, p.7.

# 6. Compliance

## Introduction

- 6.1 In chapter 6 of the draft guidance, we set out our approach to ensuring compliance with the transparency reporting duties.
- 6.2 We received feedback from a number of stakeholders, including service providers and civil society, about our approach to compliance, which we have taken into account.
- 6.3 There was one area we received feedback on:
  - a) What we expect from service providers

## Topic 1: What we expect from service providers

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- 6.4 In the following sections, we summarise the feedback we received from stakeholders on our proposed enforcement strategy across these areas and set out the decisions we have made about whether we have made changes to the guidance as a result.
- 6.5 Under the Act, providers of services have a legal duty to produce a transparency report in accordance with the requirements of the notice and must ensure that the information in the report is complete and accurate.<sup>108</sup> In the draft guidance at paragraph 6.2, we noted that where we are concerned about potential non-compliance with the notice requirements, we will assess the issue in line with our Online Safety Enforcement Guidance<sup>109</sup> and consider whether it is appropriate to take enforcement action in the circumstances.<sup>110</sup>
- 6.6 Providers should take relevant steps to ensure that the information included in their reports is complete and accurate, in line with their duties.
- 6.7 Further, Ofcom may take enforcement action where a provider has failed to produce a transparency report, in relation to a relevant service, or if it fails to:
  - a) include information of a kind specified or described in the notice;
  - b) produce the report in the format specified in the notice;
  - c) submit the report to Ofcom by the date specified in the notice; and/or
  - d) publish the report in the manner and by the date specified in the notice.
- 6.8 Ofcom may also take enforcement action where a provider's transparency report contains information which is not complete and/or accurate in all material respects.
- 6.9 Gathering accurate and timely information is critical to Ofcom's functions: Ofcom's powers under section 77 of the Act are crucial to Ofcom's ability to effectively regulate for Online Safety. A contravention of a requirement to provide information in the manner and form

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<sup>108</sup> Section 77(3) and Section 77(4) of the Act.

<sup>109</sup> [Ofcom, 'Protecting People from Illegal Harms Online: Annex 11: Enforcement guidance \(draft for consultation\)', \(9 November 2023\).](#)

<sup>110</sup> Ofcom's enforcement powers are set out in Chapter 6 of Part 7 of the Act and enable us to enforce the duties and requirements applying to service providers and, where relevant, other persons or third parties.

required in a transparency notice issued under section 77 is inherently a serious matter as it materially hinders Ofcom's ability to carry out its functions.

## Complying with notice requirements

### Summary of stakeholder feedback

- 6.10 Some industry stakeholders wanted more clarity around complying with the notices, for example some wanted clarity about the time period about which we may ask for data,<sup>111</sup> while others wanted to understand further how Ofcom would consider other regulatory and business reporting timelines and cycles alongside Ofcom's reporting requirements.<sup>112</sup>
- 6.11 However, some stakeholders suggested that we make it explicit that we expect full, detailed information to be produced by providers from the first round of transparency reporting and offered some suggestions about how to assess the accuracy of the information provided.<sup>113</sup>
- 6.12 One stakeholder wanted further clarity about the term, 'functionalities' used throughout in the guidance.<sup>114</sup>

### Our final decision

- 6.13 **In response to stakeholder feedback about complying with notice requirements, we have amended our final guidance at paragraph 6.5 to clarify that in order to meet their duties under the Act, providers will need to produce a standalone transparency report which is separate to the other reports that they may have regulatory duties to produce, or voluntary reports that they may choose to produce.** We will allow providers to publish their transparency report alongside other reports on their website, but the transparency report submitted to Ofcom must be a standalone report.
- 6.14 We remind stakeholders that the final notice will set out the information required, the format that the information needs to be published in, the date the report should be submitted and published, and any other information about the matter of its publication. We also remind stakeholders that providers have a legal duty to comply with transparency notices, including a legal requirement to publish transparency reports, and failure to comply will carry significant consequences. Providers should conduct appropriate checks and governance processes to ensure that the report is properly reviewed and interrogated prior to submission to Ofcom and publication. This should include being signed off by an appropriately senior accountable person.
- 6.15 **In response to stakeholder feedback wanting clarity about the term, 'functionalities', we have amended our final guidance in the table at paragraph 3.4.**

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<sup>111</sup> Responses to our July 2024 Consultation: Google, p.9; Vinted, p.4; The Computer & Communications Industry Association, p.3

<sup>112</sup> Responses to our July 2024 Consultation: Nextdoor, p.7, 9.

<sup>113</sup> Responses to our July 2024 Consultation: The Integrity Institute, p.6; The Marie Collins Foundation, p.7; The Antisemitism Policy Trust, p.3, 4; The Children's Commissioner, p.2, 5; The UK Safer Internet Centre, p.4, 6; Full Fact, p.4, 5.

<sup>114</sup> Response to our July 2024 Consultation: Nextdoor, p.2.

## Meeting Ofcom's deadlines

### Summary of stakeholder feedback

- 6.16 Some industry stakeholders disagreed with our proposal of allowing between 2 and 6 months to complete transparency reports and recommended a longer timeframe, with some stakeholders citing the challenge of producing new or complex metrics.<sup>115</sup>
- 6.17 We received feedback from civil society stakeholders suggesting that we should give a shorter time frame for service providers to produce their reports.<sup>116</sup> One stakeholder suggested this was due to the scale of harm present.<sup>117</sup> Another stakeholder suggested that Ofcom publish the names of those who fail to meet our deadlines and who request extensions.<sup>118</sup>
- 6.18 Additionally, one stakeholder argued that once the processes for producing information have been implemented, the requirements should become easier to comply with.<sup>119</sup>

### Our final decision

- 6.19 **In response to stakeholder feedback about meeting our deadlines, we have amended our final guidance at paragraph 6.4** to clarify that the provider report must be produced in the number of working days set out in the transparency notice.
- 6.20 We recognise stakeholder concerns that it may take longer to produce reports if they are required to produce new or complex metrics, particularly for the first year of transparency notices. In our July 2024 Consultation, we set out that timings will vary depending on factors such as the scope and nature of the information required by the notice and the capacity of the provider. Providers will have the opportunity to make representations on the information requirements through our engagement process. The length of time we are allocating to providers (as well as their capacity) will be considered when designing the notices.
- 6.21 We also agree with the stakeholder feedback that complying with Ofcom's notices should become easier over time. In the first years of the regime, providers may need to implement processes for tracking against new metrics which may be initially burdensome; however, these are likely to be able to be automated in the future. In light of this, there may be differences in our approach for year 1 versus later years of the regime.
- 6.22 We are unlikely to accept failures by providers to comply with their duties for reasons which could have been anticipated and prepared for in advance. We expect providers to take the appropriate steps to ensure they have the necessary resource and mechanisms to fulfil their transparency reporting duties in a timely and efficient manner. For more

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<sup>115</sup> Responses to our July 2024 Consultation: Apple, p.6, 7; xHamster p.2, 3; The Match Group, p.3, 4; Meta & Whatsapp, p.9; Mozilla, p.7, 8; Google, p.6, 7; LinkedIn, p.3; TikTok, p.2 Trustpilot, p.7; The Computer and Communications Industry Association, p.2, 3; eBay p.1; Microsoft p.2; techUK, p.2.

<sup>116</sup> Responses to our July 2024 Consultation: The Integrity Institute, p.6; Reset Tech, p.3.

<sup>117</sup> Response to our July 2024 Consultation: Reset Tech, p.3.

<sup>118</sup> Response to our July 2024 Consultation: The Marie Collins Foundation, p.5.

<sup>119</sup> Response to our July 2024 Consultation: The Institute of Strategic Dialogue, p.2.

information on how Ofcom may enforce the transparency duties, please see our Online Safety Enforcement Guidance.<sup>120</sup>

## Extension requests

### Summary of stakeholder responses

- 6.23 Some industry stakeholders asked for a process to request an extension to produce their report.<sup>121</sup>
- 6.24 A civil society stakeholder asked if Ofcom could publish the names of services which request extensions.<sup>122</sup>

### Our final decision

- 6.25 **We have chosen to amend our guidance in response to stakeholder feedback.** For extension requests, we will adopt an approach similar to what is set out in our Online Safety Information Powers Guidance.<sup>123</sup> Transparency reports must be produced by the deadline stipulated in the transparency notice. If the provider does not think it can meet the deadline set in the transparency notice, it should inform us immediately and explain why. Deadlines are likely to have been set taking into account representations made by providers during the draft notice process. We will therefore only agree to extend deadlines where there is good reason for doing so, like the unexpected absence of a key employee responsible for obtaining the required information, technical difficulties, or other exceptional circumstances beyond the recipient's control. Every extension request will be considered on its own merits.

## Other feedback

- 6.26 Stakeholders provided feedback on a number of areas that fall outside the scope of our transparency guidance. These included proposals to introduce a Super-Complaints mechanism;<sup>124</sup> enable third-party research to improve data quality and accuracy;<sup>125</sup> facilitate linking platform data to third-party datasets;<sup>126</sup> map online services operating in the UK and establish a Register of Services;<sup>127</sup> require the inclusion of benchmarked transparency or safety metrics in the financial reports of providers eligible under the Act;<sup>128</sup> and to consider appointing civil society and academic experts as potential providers for the Skilled Persons' Reports under the Act.<sup>129</sup>
- 6.27 While we appreciate stakeholders' engagement on these broader issues, they are not addressed in this Statement.

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<sup>120</sup> [Online Safety Enforcement Guidance](#)

<sup>121</sup> Responses to our July 2024 Consultation: Apple, p.8; xHamster, p.2.

<sup>122</sup> Response to our July 2024 Consultation: The Marie Collins Foundation, p.5.

<sup>123</sup> [Online Safety Information Powers Guidance](#)

<sup>124</sup> Responses to our July 2024 Consultation: The UK Safer Internet Centre, p.4, 5; Reset Tech, p.2.

<sup>125</sup> Response to our July 2024 Consultation: Mozilla, p.9.

<sup>126</sup> Response to our July 2024 Consultation: The OpenMined Foundation p.4.

<sup>127</sup> Response to our July 2024 Consultation: The Children's Commissioner, p.2, 6.

<sup>128</sup> Response to our July 2024 Consultation: The UK Safer Internet Centre, p.7, 10.

<sup>129</sup> Response to our July 2024 Consultation: Reset Tech, p.2.

# A1. General duties and impact assessments

- A1.1 An overview of our transparency duties under the Act is provided in the background section of the Statement at paragraph 2.1. This annex provides an overview of our general legal duties that underpin how we carry out our transparency duties and which have been relevant to our decisions in this statement. It also sets the legal framework underpinning Ofcom's impact assessment duties and our final Impact Assessment, Equality Impact Assessment, and Welsh Language Impact Assessment for decisions set out in this Statement.
- A1.2 In updating our assessments, we have considered where relevant stakeholder feedback on the impact assessments we consulted on in our July 2024 Consultation on our Transparency Reporting Guidance and changes we have made to our final guidance in this Statement.

## Our general duties

- A1.3 Section 3(1) of the Communications Act 2003 ("2003 Act") states that it shall be our principal duty in carrying out our functions:
- a) To further the interests of citizens in relation to communication matters; and
  - b) To further the interests of consumers in relevant markets, where appropriate by promoting competition
- A1.4 Under section 3(2)(g) of the 2003 Act, we are required to secure in the carrying out of our functions (among other things) the adequate protection of citizens from harm presented by content on regulated online services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm. Further, in performing our duties in relation to such matters, section 3(4A) of the 2003 Act sets out additional matters to which we must have regard to insofar as they appear to us to be relevant in the circumstances. These include the risk of harm to citizens presented by regulated services.
- A1.5 In performing our duties, we are required under section 3(3) of the 2003 Act to have regard in all cases to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice. In addition to these, we are also required to consider the importance for the promotion of economic growth<sup>130</sup> and to have regard to the Secretary of State's Statement of Strategic Priorities.<sup>131</sup>

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<sup>130</sup> Section 108 of the Deregulation Act 2015

<sup>131</sup> Section 92(2) of the Act

## Impact Assessments

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- A1.6 Section 7 of the 2003 Act requires us to carry out and publish an assessment of the envisioned impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom’s activities. In accordance with section 7(4B) of the 2003 Act, we have to consider the likely impact on small and micro businesses in relation to proposals connected with our online safety functions. Impact assessments help us to understand the policy decisions we have decided to take and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way.<sup>132</sup>
- A1.7 Our final guidance on transparency reporting outlines our approach to exercising our statutory powers in relation to transparency reporting and aims to help service providers understand how to meet their statutory duties. Specifically, the final guidance sets out how Ofcom will determine what information providers should produce in their transparency reports and how Ofcom will approach producing its own transparency report on an annual basis.
- A1.8 We assessed the impact of the proposals included in our draft guidance on service providers and other relevant stakeholders as part of our July 2024 Consultation. We have updated based on stakeholder feedback on our assessment and the changes we have made in the final guidance. We do not consider that any of the changes made to our transparency guidance imposes any significant additional burdens on service providers or any other third parties.
- A1.9 In our assessment, we have particularly focused on, where possible, the costs, benefits and risks of our proposals. We have not considered the impacts of the transparency reporting duties that service providers are under statutory obligation to comply with, as these have already been assessed prior to being passed into legislation.

## Stakeholder feedback on our impact assessment

- A1.10 We received feedback from a stakeholder on our approach to preparing our impact assessment stating that it did not contain any financial information or metrics and “therefore, the resultant conclusions necessarily must be subjective and not objective; something the platforms could use as a basis to object to the whole of this proposal”.<sup>133</sup> They further stated that “there is no reference to Government Procedures for impact assessments which were established back in 1992. Impact assessments at this level are also known as Regulatory Impact Assessments. Ofcom is asked here whether the Regulatory Policy Committee (RPC) [which oversees regulatory proposals] has approved this impact assessment?”.
- A1.11 We acknowledge the stakeholder’s feedback about our impact assessment. The RPC consider regulatory proposals within the scope of the Better Regulation Framework,<sup>134</sup> including statutory provisions made by ministers on behalf of regulators. The proposals within the July 2024 Consultation were made by Ofcom and not within the scope of the

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<sup>132</sup> Ofcom, [Impact assessment guidance](#), 2023.

<sup>133</sup> Response to our July 2024 Consultation: The Just Algorithms Action Group, p.4, 5.

<sup>134</sup> [The Better Regulation Framework Guidance](#) – September 2023

Better Regulation Framework. As an independent regulator, Ofcom has carried out this impact assessment in line with our impact assessment duties in section 7 of the 2003 Act and our own published guidance on impact assessments.<sup>135</sup> We are satisfied that we have considered and followed our published guidance on impact assessments and that we have acted in accordance with our legal duties.

## Assessing the impact of our final transparency guidance

- A1.12 We have assessed the principles we will apply when determining what information should be produced in a transparency report; the engagement process we will offer to providers and non-industry stakeholders to help determine what information should be produced in a transparency report; the approach we will take to produce our Ofcom transparency report; and the approach to compliance with the relevant transparency duties. We have not assessed the impact of issuing transparency notices or producing transparency reports as the impact for these requirements have been considered as part of the legislative process for the Act.
- A1.13 We have determined that our decisions do not impose any significant burdens on service providers or any other third parties. Our key decisions set out principles and aims which will guide the exercise of our statutory functions. For example, in determining what information should be produced in a transparency report, we explain how we will apply the principles of relevance, appropriateness and proportionality, when considering relevant statutory factors under Schedule 8 to the Act. The decision on the principles we apply do not impose any burdens on any party and only sets out our principled approach to exercising our transparency functions. Our decisions for how Ofcom will produce its own transparency reports set out the aims, which will guide the production of Ofcom reports and do not impose any duties or requirements on any stakeholders. Additionally, our decisions regarding what our final guidance will say concerning compliance mirror the general online safety policy approach to enforcement, which has already been assessed separately in Ofcom's Online Safety Illegal Harms consultation.
- A1.14 In our assessment, we have identified one impact on service providers, deriving from our decision to engage with service providers through a draft notice process. In this process, service providers may be required to employ additional resources to engage with this process and make representations on a draft transparency notice. We have also identified that our change to the final guidance to set out a process for engaging with non-industry stakeholders might also result in additional resources being expended by those stakeholders should they choose to engage in this process. We have assessed these impacts to be proportionate and justified for the reasons set out below.
- A1.15 We have also considered the impact on any human rights and have determined that our final guidance would not have an impact in this respect.

## Impact on service providers

- A1.16 We anticipate the draft notice process to be the key impact on service providers. However, we do not consider that it will be a significant impact, as we intend for the draft notice process to be a consistent, annual method of optional engagement with service providers.

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<sup>135</sup> [Impact Assessment Guidance](#) published in July 2023.

- A1.17 We anticipate that service providers who engage with Ofcom will face minimal costs from reviewing the guidance itself given its short and non-technical nature.
- A1.18 We acknowledge that our engagement through the draft notice process may require service providers to obtain additional resources to review, analyse and respond to the draft notices. Additional staff or more time from current staff may be needed to deal with this regulatory process on an annual basis. The costs and impact of our final guidance may vary, subject to the type of business. Higher initial set up costs may be needed by service providers that are not experienced with being regulated, including some small and micro businesses, as opposed to businesses that already have dedicated regulatory resources that they can build on. As detailed below, we believe this potential impact is justified and proportionate because of the benefits to service providers obtained through engaging in the draft notice process.
- A1.19 However, we note that engagement with the draft notice process is optional for service providers and providers will have flexibility as to the level of engagement and resource they apply in relation to the draft notice process. Engaging in the draft notice process also offers benefits for providers, as they have the opportunity to make representations on the proposed information requirements before it is finalised. As explained at paragraph 4.15, the draft notice process was welcomed by a variety of industry stakeholders. The process may be particularly helpful to service providers who may be newly regulated or have unique circumstances to consider in the production of a report. We anticipate that these types of service providers will benefit from an opportunity to consider the proposed information requirements and then seek additional information from Ofcom where needed.
- A1.20 Additionally, the draft notice process will give service providers the opportunity to plan ahead, allocate resources and evaluate any costs of producing such information prior to receiving a transparency notice. Furthermore, we consider any potential impact would be justified by contributing to the fairness of Ofcom's decision-making process, as it allows service providers make representations before a final decision is taken, which Ofcom will have regard to.

## Impact on non-industry stakeholders

- A1.21 **In response to stakeholder feedback, we have amended our final guidance from paragraphs 4.18 to 4.20 to include more information about how we plan to engage with non-industry stakeholders** throughout the yearly transparency cycle to gather insights that to inform Ofcom's decisions around information requirements.
- A1.22 We acknowledge that there may be potential costs and burdens for these stakeholders, where they decide to engage with Ofcom and provide views and insights to inform Ofcom's decision making.
- A1.23 We consider that this potential impact is justified as these stakeholders would be engaging in this work on a voluntary basis and they can choose the level and resources which they wish to utilise to carry out any work. We are confident that the engagement with non-industry stakeholders will be welcomed by these stakeholders, as several non-industry stakeholders expressed the importance of this type of engagement to inform Ofcom's

decision making.<sup>136</sup> Further we believe these stakeholders will add value the to the transparency regime through engaging with Ofcom and sharing their perspectives on different aspects of online safety.

## Conclusion

- A1.24 We have assessed the potential impacts of our final transparency guidance on service providers and relevant non-industry stakeholders and have determined these impacts to be justified and proportionate.
- A1.25 On balance, we consider the benefits of these engagement processes (as outlined above) to outweigh any potential impact on resources for both providers and non-industry stakeholders, noting in particular the optional and flexible nature of engagement.

## Equality Impact Assessments

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- A1.26 We received no specific feedback relating to the equality impact assessments include in our July 2024 Consultation on the draft guidance. Nonetheless, we have considered the equality impact of our final guidance in light of the further updates made in response to stakeholder feedback and we consider that our assessment of the impact remains unchanged.
- A1.27 Ofcom has statutory obligations which require us to consider the impact on specific groups of persons when formulating policy proposals. These are:
- a) our public sector equality duties under section 149 of the Equality Act 2010 (the 'Equality Act') and section 75 of the Northern Ireland Act 1998 (the 'NI Act') including potential impacts on the groups of persons identified in those sections as having protected characteristics; and
  - b) potential impacts on the needs and interests of groups of persons identified in section 3(4) of the 2003 Act.
- A1.28 We do not consider that final guidance will in itself have any equality impacts, as our guidance seeks to outline the steps that Ofcom will take to implement the transparency regime. The final guidance does not seek to impose transparency notices, but rather aims to provide stakeholders with an understanding of how Ofcom will carry out its duties.
- A1.29 However, we note that our guidance provides us the flexibility to request the production of information in transparency reports that highlights how services are taking steps to implement and maintain safety measures which directly benefit persons with protected characteristics. We think non-industry stakeholders who represent interests of persons with protected characteristics will also draw value from understanding our approach, so they can better engage with information that is produced in reports.

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<sup>136</sup> See paragraph 4.4 of this statement for more details on stakeholder feedback about non-platform stakeholder engagement.

## Welsh Language Assessment

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- A1.30 We received no specific feedback relating to the Welsh language impact assessment included in our July 2024 Consultation on the draft Guidance. Nonetheless, we have considered the impact of our final guidance in light of the further updates made in response to stakeholder feedback and we consider that our assessment of the impact remains unchanged.
- A1.31 The Welsh Language (Wales) Measure 2011 made the Welsh language an officially recognised language in Wales. This legislation also led to the establishment of the office of the Welsh Language Commissioner who regulates and monitors our work. Under the Welsh Language Standards,<sup>137</sup> Ofcom is required to take Welsh language considerations into account when formulating, reviewing or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).
- A1.32 Where the Welsh Language Standards are engaged, we consider the potential impact of a policy proposal on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language. We also consider how a proposal could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects.
- A1.33 We do not consider our guidance will affect opportunities for the use of Welsh or treat the Welsh language less favourably than the English language.

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<sup>137</sup> [The Welsh language standards](#) which Ofcom must comply with.