



Department for  
Science, Innovation  
& Technology

Baroness Maggie Jones  
Parliamentary Under Secretary of State  
Department for Science, Innovation & Technology  
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31 October 2024

Viscount Camrose  
[CAMROSEJ@parliament.uk](mailto:CAMROSEJ@parliament.uk)

Dear Viscount Camrose,

## **COMMUNICATIONS ACT 2003 (DISCLOSURE OF INFORMATION) ORDER 2024: FOLLOW UP TO DEBATE**

Many thanks for taking part in the debate. I am writing to you to answer your questions that were not able to be covered during the debate.

**You asked how the government will ensure that this instrument does not grant unrestricted access to business information and instead limits sharing to specific instances where it is genuinely necessary for the Secretary of State to fulfil their duties under the Act.**

As outlined in the debate, the instrument would make a change to allow sharing only for the purposes of fulfilling functions under the Online Safety Act 2023 – it does not go more broadly than that. These functions include setting the fee threshold for the online safety regime and carrying out post-implementation reviews of the Act required under Section 178.

**You also asked if the government believes that sufficient safeguards are already in place to guarantee any shared information is handled responsibly and securely.**

Section 393(1) of the Communications Act 2003 prohibits the disclosure of information about a particular business which has been obtained under certain acts, listed in the subsection, except with consent or where an exception applies. Ofcom is therefore restricted in disclosing information obtained using its powers, including its powers to require information under the Online Safety Act, aside from when an exception applies. It is also a criminal offence for a person to disclose information in contravention of section 393 of the 2003 Act, including to the Secretary of State.

Ofcom is an experienced regulator and understands the importance of maintaining confidentiality. It regularly handles personal data and commercially sensitive information in the other sectors it regulates. Section 393 of the Communications Act 2003 is used to protect business data obtained under other regimes and these protections are well established. Although information Ofcom obtains under the Online Safety Act is unlikely to include personal data, it is still important to note that Ofcom must comply with UK data protection law and would need to show that the processing of any personal data was necessary for a lawful purpose. It is also required to act compatibly with the Article 8 right to privacy under the European Convention of Human Rights. Ofcom will have discretion over sharing information under this gateway. Ofcom has no obligation to share information for the purposes of fulfilling the Secretary of State's functions.

**You asked how the government plans to keep online safety regulation resilient and adaptive in an environment of rapid technology change.**

The regulatory framework established by the Act is designed to be future-facing to keep pace with new and emerging technologies, like AI. Ofcom can use the provisions of the Act to mitigate against the use of new technologies for harmful purposes by monitoring and guiding the platforms' risk

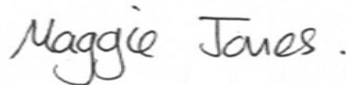


assessments and ensuring that platforms put in place safety measures to ensure that new technologies are safe for users.

We are encouraged that Ofcom is committed to building on and iterating the Codes of Practice, which set out how services can assess risks and mitigate new and emerging threats over time and is launching a new consultation in spring 2025 on some further specific measures to build on the first codes (Illegal Harms and Protection of Children). We encourage Ofcom to be proactive in consulting on the codes and guidance to make relevant changes and ensure products are updated as quickly as possible and that regulation remains relevant and resilient.

I hope this information answers your questions. I will place a copy of this letter in the libraries of the House.

Yours sincerely,

A handwritten signature in black ink that reads "Maggie Jones .". The signature is written in a cursive, flowing style.

Baroness Maggie Jones  
**Minister for the Future Digital Economy and Online Safety**