Press Summary

Judgment – High Court (Lord Justice Singh and Mrs Justice Collins Rice)

THE KING (on the application of (1) Meta Platforms Inc. and (2) WhatsApp LLC)	**Claimants**
- and -	
THE OFFICE OF COMMUNICATIONS	**Defendant**

THE KING (on the application of X Internet Unlimited Company)	**Claimant**
- and -	
THE OFFICE OF COMMUNICATIONS	**Defendant**

THE KING (on the application of TikTok Information Technologies UK Ltd)	**Claimant**
- and -	
THE OFFICE OF COMMUNICATIONS	**Defendant**

Note: ***This summary is provided to assist in understanding the decision of the court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the court, which will be published on the National Archives (https://caselaw.nationalarchives.gov.uk/).***

Decision

1. The High Court (Lord Justice Singh and Mrs Justice Collins Rice) today handed down judgment, upholding OFCOM in the first judicial review proceedings to test OFCOM's powers to issue information notices under the Online Safety Act 2023. The challenges were brought by the providers of some of the most-used social media platforms in the UK (TikTok, X, and WhatsApp).

Background

2. The Online Safety Act was a major piece legislation designed to tackle the risks to users, including children, of encountering harmful content online. It created a substantial new regulatory framework, imposing extensive new duties on providers to monitor and manage the risk of online harm. It gave OFCOM, the UK's statutory independent regulator of the broadcasting, telecoms and internet sectors, correspondingly extensive new powers and functions to make the new regime effective.

3. Among OFCOM's new powers was a power (section 100 of the Act) to issue information notices requiring regulated providers to provide "*any information that they require for the purpose of exercising, or deciding whether to exercise, any of their online safety functions*". But the power "*must be exercised in a way that is proportionate to the use to which the information is to be put in the exercise of OFCOM's functions*".

4. OFCOM exercised that power in February 2026 to issue information notices to the Claimants, after several months of dialogue with them.

5. The information sought included:

    - an explanation of the definitions each provider uses;
    - data on the total volume of user activity taking place on each internet service provided, disaggregated by age groups;
    - data on the volume of content and accounts which have been subject to content moderation action by each service, the time involved in taking such action, and the extent to which content harmful to children was the object of the action;
    - data on the exposure of UK users (including children) to actioned content;
    - data on the outcomes of, and time taken to process, appeals against actions taken in relation to content; and
    - data about the volumes and outcomes of 'reports' filed by UK users. Content moderation reporting tools are recommended by OFCOM codes of practice, and the questions in this category asked for information about their use, particularly in relation to reports about categories of harm.

6. The Claimants brought a range of challenges to the lawfulness of the notices, including that they were *ultra vires* and disproportionate, and that OFCOM was using its powers for an improper purpose, had breached its statutory duty to make impact assessments, had 'apparently predetermined' (had a closed mind to) the decision to issue the notices, and had failed to comply with its own published policies in doing so.

Reasons for the decision

7. The High Court, sitting as a Divisional Court of two judges, (Singh LJ and Collins Rice J) rejected all the grounds of challenge advanced, apart from proportionality, as unarguable either as a matter of law or on the facts. The judgment includes important rulings on the meaning of section 100 and its place in the regulatory regime ([43]-[48], [57]-[60], [68]-[74], [95]-[98]).

8. The Court gave permission for the proportionality challenges, and made its own assessment of the overall balance between, on the one hand, the importance of OFCOM's regulatory objectives in issuing the notices and the importance of the information sought to the achievement of those objectives, and on, the other hand, the burden the notices imposed on the Claimants. It assessed the Claimants' evidence of the onerousness of the notices as lacking in sufficient factual substance: "*It does not sufficiently identify the necessary baselines or differential resource impact. We do not assess it as capable of bringing the overall balance down on the side of the disproportionality of any of the notices. No finding of a lack of overall fairness is therefore sustainable on the materials before the court.*" The Court accordingly rejected the proportionality challenge on its merits ([156]-[162]).

References in square brackets are to paragraphs in the judgment.