



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 6

ENFORCEMENT POWERS

Publication of enforcement action

149 Publication by OFCOM of details of enforcement action

- (1) Subsections (2) and (3) apply where OFCOM have given a person (and not withdrawn) any of the following—
 - (a) a confirmation decision;
 - (b) a penalty notice under section 139;
 - (c) a penalty notice under section 140(5);
 - (d) a penalty notice under section 141(6).
- (2) OFCOM must publish details identifying the person and describing—
 - (a) the failure (or failures) to which the decision or notice relates, and
 - (b) OFCOM's response.
- (3) But OFCOM may not publish anything that, in OFCOM's opinion—
 - (a) is confidential in accordance with subsections (4) and (5), or
 - (b) is otherwise not appropriate for publication.
- (4) A matter is confidential under this subsection if—
 - (a) it relates specifically to the affairs of a particular body, and
 - (b) publication of that matter would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that body.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 149. (See end of Document for details)

- (5) A matter is confidential under this subsection if—
- (a) it relates to the private affairs of an individual, and
 - (b) publication of that matter would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that individual.
- (6) Where OFCOM have given a person a provisional notice of contravention but have not given the person a confirmation decision, OFCOM may publish details identifying the person and describing the reasons for the provisional notice.
- (7) OFCOM must notify the person concerned that information has been published under this section.

Commencement Information

- I1** S. 149 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** [S. 149](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z17\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Online Safety Act 2023, Section 149.