

BRETT WILSON

35-37 St John's Lane, London EC1M 4BJ
t. 020 7183 8950 ■ f. 020 7183 8951
e. law@brettwilson.co.uk ■ w. brettwilson.co.uk

Ofcom
PO Box 1285
Warrington
WA1 9GL

Our Ref: GLP/3200
Your Ref:

By post and email: contact@ofcom.org.uk

26 November 2025

Dear Ofcom

Our client: Good Law Project Ltd

Complaint concerning X Corp

We are instructed to lodge a formal complaint against X Corp ('X') on behalf of our client Good Law Project. Our client is concerned that X is failing to comply with its duties under the Online Safety Act 2023 ('OSA') in that it is taking insufficient measures to prevent 'Priority Illegal Content' (as defined by section 59(10) of the OSA) being published on its eponymous social media platform (formerly known as Twitter).

The statutory framework

Since 17 March 2025, the OSA has placed a number of legal duties on the operators of 'user-to-user' services ('Service Providers') to take steps to ensure that their platforms are minimising the risk of online harm.

Whilst X (like its parent company xAI) is incorporated in Delaware¹, it falls within the OSA's extraterritorial scope as it has 'links with the UK' within the meaning of section 2 of the OSA. It has a significant number of UK users², the UK is a target market and there is a material risk of significant harm to such users.

¹ X also has a subsidiary based in the Republic of Ireland, X Internet Unlimited Company, which it claims is the data controller for the EU/EEA and the party which contracts with UK accountholders.

² According to Ofcom's Online Nation 2024 report, it is estimated that there are 22.1 million users of X in the UK (c.40% of the adult population).



X's duties under the OSA include:-

- Having effective content and reporting systems/processes that allow users to easily report illegal content (section 20 OSA) and an effective complaints procedure (section 21 OSA).
- Preventing individuals from encountering Priority Illegal Content (section 10(2)(a) OSA).
- Effectively mitigating and managing the risk of the service being used for the commission or facilitation of a 'Priority Offence' (section 10(2)(b) OSA).
- Effectively mitigating and managing the risks of harm to individuals (section 10(2)(c) OSA).
- Using proportionate systems and processes designed to minimise the length of time for which any Priority Illegal Content is present (section 10(3)(a) OSA).
- Operating a service using proportionate systems and processes designed to ensure that any Priority Illegal Content is swiftly taken down when it is notified of its presence or becomes aware of it in any other way (section 10(3)(b) OSA).

Additionally, section 10(4) OSA requires X to use proportionate measures to achieve the duties under sections 10(2) and (3) OSA, including:-

- (a) Regulatory compliance and risk management arrangements.
- (b) Design of functionalities, algorithms and other features.
- (c) Policies on terms of use.
- (d) Policies on user access to the service or to particular content present on the service, including blocking users from accessing the service or particular content.
- (e) Content moderation, including taking down content.
- (f) Functionalities allowing users to control the content they encounter.
- (g) User support measures.
- (h) Staff policies and practices.

Illegal content is defined by the OSA as "content that amounts to a relevant offence" (section 59 OSA). The OSA categorises illegal content as either Priority Illegal Content or "Non-designated Illegal Content". Priority Illegal Content refers to offences listed in Schedule 5 of the OSA (terrorism offences), Schedule 6 of the OSA (child sexual abuse offences) and Schedule 7 of the OSA (a range of other offences).

Our client's investigation

Our client is investigating X's compliance with the OSA. Its focus is on:-

- (a) whether X is taking sufficient measures to prevent Priority Illegal Content from appearing on its platform in the first place;
- (b) how it proactively removes such material posted on its platform; and
- (c) how it responds to user complaints about such material.

Our client is in the process of investigating and compiling evidence to determine whether X is taking sufficient steps in respect of Priority Illegal Content posted by third party users concerning the following matters:-

- A. the incitement of racial or religious hatred;
- B. the promotion of terrorism;
- C. the sale of weaponry;
- D. the sale of drugs and psychoactive substances;
- E. fraud; and
- F. harassment and threats to kill.

At this juncture, our client has completed a preliminary investigation into category (A) content, and the results of this exercise are set out below.

At this stage, our client makes no comment on whether Priority Illegal Content falling into Categories (B)-(F) frequently appears on X (and if it does, whether it is removed and, if so, how quickly). In the event that our client's investigation discloses that there are grounds to suspect that X is failing to comply with its duties under the OSA in respect of such content, we anticipate being instructed to write to you further.

Methodology

As above, the first stage of our client's investigation has focused on the publication of content by third parties that is likely (or intended) to stir up racial or religious hatred.

100 tweets (now referred to by X simply as Posts) were identified where there are grounds to suspect that the content is Priority Illegal Content on the basis that their publication or distribution may constitute an offence contrary to section 19 or 29C of the Public Order Act 1986 (these are offences listed at paragraphs 5(b) and 5(e), Schedule 7 OSA).

These tweets were all published between the period 12 April and 22 November 2025.

These tweets are exhibited at A1-100 of the enclosed Annex A. Hyperlinks to each tweet are provided (the vast majority are still live as at the date of this letter³).

For ease of reference, the relevant statutory elements of the offences are set out below:

Acts intended or likely to stir up racial hatred

Section 19 of the Public Order Act 1986: Publishing or distributing written material

- (1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if—
 - (a) he intends thereby to stir up racial hatred, or*
 - (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.**
- (2) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.*
- (3) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public*

Hatred against persons on religious grounds or grounds of sexual orientation

Section 29C of the Public Order Act 1986: Publishing or distributing written material

- (1) A person who publishes or distributes written material which is threatening is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation.*
- (2) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.*

For the sake of completeness, section 29J of the Public Order Act 1986 provides the following defence (there is no equivalent defence to the section 19 offence):

Section 29J Protection of freedom of expression

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the

³ In addition to tweets that were removed, four tweets are now no longer available as the accounts have seemingly been suspended for unconnected reasons.

beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

An example of a tweet that there are grounds to believe falls within the definition of section 19 of the Public Order Act 1986 (stirring up racial hatred) is reproduced below:-



The tweets included in Annex A variously target 'blacks', Jews, Indians⁴, Pakistanis, Somalians, Africans, Polish and the Irish.

⁴Whilst there is no race of Indian or Pakistani people, section 17 of the Public Order Act 1986 defines 'racial hatred' as hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

BRETT WILSON

An example of a tweet that there are grounds to believe falls within the definition of section 29C of the Public Order Act 1986 (stirring up religious hatred) is reproduced below:-



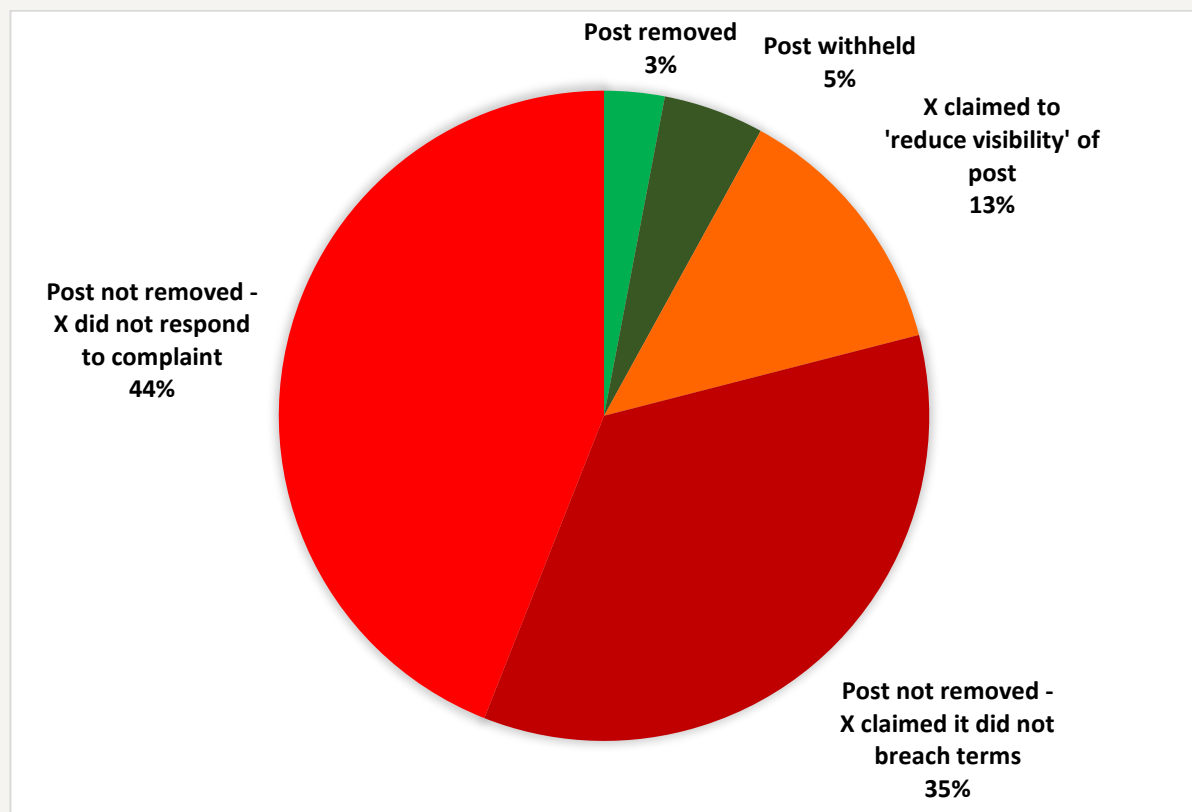
A complaint was lodged in respect of each tweet by using X's complaint form designed for making complaints pursuant to the OSA⁵.

X's response to complaints

Where responses were received, they were all received within a 24-hour period, but in 44% of cases no responses were received at all.

Annex A shows X's particular response (or lack thereof) for each tweet in the red box below the tweet (together with a hyperlink to the tweet).

X's responses to the 100 complaints are summarised below:-



'Content withheld' indicates that X has claimed it has restricted access to the content and advised the accountholder that their account will be suspended if they do not delete it.

⁵ <https://help.x.com/en/forms/osa/report/harassment>

BRETT WILSON

Where 'visibility is reduced', this does not appear to remove the tweet from X. Rather a message is pinned to the tweet indicating that it may violate X's rules:-



According to X⁶, if it believes the post (tweet) violates their policies, they may restrict the reach of the post itself and make it "less discoverable", but in these circumstances it will still remain on the platform.

⁶ <https://help.x.com/en/rules-and-policies/x-reach-limited>

Conclusion

We acknowledge that this is a very limited data set. We encourage Ofcom's caseworkers to replicate this exercise on a larger scale. However, this content was relatively easy to locate (the starting point was to ask Grok to identify racist tweets on X) and we consider a sample of 100 tweets relatively helpful in identifying how X is discharging its legal duties under the OSA in respect of the type of content at Annex A (i.e. content that there are grounds to suspect is Priority Illegal Content and likely to stir up racial or religious hatred).

It is our client's belief that X is likely failing to meet its duties under the OSA in respect of content of this nature. Revisiting the relevant duties set out above, we make the following comments:

- *Having effective content and reporting systems/processes that allow users to easily report illegal content (section 20 OSA) and an effective complaints procedure (section 21 OSA).*

The systems do not seem to be effective in circumstances where only 8 out of 100 tweets containing suspected Priority Illegal Content were removed.

- Preventing individuals from encountering Priority Illegal Content (section 10(2)(a) OSA).

X has state of the art tools at its disposal (including its algorithms and AI systems) to assist in the pre-emptive filtering of Priority Illegal Content. It is difficult to understand, if such tools are used properly, why the content at Annex A was available in the first place.

- Effectively mitigating and managing the risk of the service being used for the commission or facilitation of a 'Priority Offence' (section 10(2)(b) OSA).

Again, it is difficult to understand why, if it intends to comply with the OSA, X is not doing more to prevent content of the type included in Annex A from being published on its platform.

- Effectively mitigating and managing the risks of harm to individuals (section 10(2)(c) OSA).

The fact that the content at Annex A was available on X, and X has refused or otherwise failed to remove 92% of the tweets following complaint, strongly suggests that X is failing to mitigate and manage the risk of harm (in respect of content of the type at Annex A).

- Using proportionate systems and processes designed to minimise the length of time for which any Priority Illegal Content is present (section 10(3)(a) OSA).

Again, it is difficult to understand why X is not doing more to prevent content of the type included in Annex A from being published on its platform.

- Operating a service using proportionate systems and processes designed to ensure that any Priority Illegal Content is swiftly taken down when it is notified of its presence or becomes aware of it in any other way (section 10(3)(b) OSA).

Again, the fact that the content at Annex A was available on X, and X has refused or otherwise failed to remove 92% of the tweets following complaint, strongly suggests that X does not have an OSA-compliant notice and takedown system.

The case for regulatory investigation

The above findings are concerning.

X's own rules state that (in relation to Hateful conduct) *"you may not attack other people on the basis of race, ethnicity, national origin, caste, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease"*⁷, but the above findings suggest that this policy is not meaningfully enforced.

Our client is concerned that X's purported compliance with the OSA⁸ may be mere lip service. Perhaps tellingly, X's document entitled "Our approach to policy development and enforcement philosophy"⁹ begins *"X is reflective of real conversations happening in the world and that sometimes includes perspectives that may be offensive, controversial, and/or bigoted to others."* On 1 August 2025, X published a statement criticising the OSA¹⁰. The views of its ultimate beneficial owner Elon Musk on matters concerning freedom of expression, social media offences, issues concerning immigration and race, are well known, and may appear incompatible with the aims of the OSA.

Since Mr Musk's acquisition of X, it has been widely reported that content moderation policies have been significantly relaxed¹¹. This has apparently included the reinstatement of previously banned accounts¹² together with reductions in the number of staff working in content moderation¹³. According to one peer-reviewed academic study, there was an increase of 50% in the weekly rate of hate speech on the platform in the year following Mr Musk's purchase¹⁴. Hate speech is obviously a subjective term and X's justification for changes in policy are the promotion of free speech. This terminology is equally subjective. It is increasingly being used by provocateurs as a justification for racism, other forms of hate and the incitement of violence.

⁷ [The X Rules: Safety, privacy, authenticity, and more](#)

⁸ <https://help.x.com/en/rules-and-policies/uk-resources>

⁹ <https://help.x.com/en/rules-and-policies/enforcement-philosophy>

¹⁰ <https://x.com/GlobalAffairs/status/1951245831463481700>

¹¹ <https://www.independent.co.uk/news/uk/politics/ofcom-elon-musk-britain-twitter-b2592617.html>

¹² <https://www.forbes.com/sites/roberthart/2022/11/25/elon-musk-is-restoring-banned-twitter-accounts-heres-why-the-most-controversial-users-were-suspended-and-whos-already-back/>

¹³ <https://www.theguardian.com/media/2023/dec/07/2024-elections-social-media-content-safety-policies-moderation>

¹⁴ Hickey D, Fessler DMT, Lerman K, Burghardt K (2025), *X under Musk's leadership: Substantial hate and no reduction in inauthentic activity*. PLoS ONE 20(2): e0313293. <https://doi.org/10.1371/journal.pone.0313293>

In October 2024 Ofcom acknowledged a direct causal link between illegal content on social media and violent disorder, stating the following in a letter to the Secretary of State following the rioting that took place in the wake of the Southport tragedy¹⁵: -

"...we have seen evidence that [illegal content] nonetheless proliferated, and appears to have contributed to the significant violent disorder which followed the tragic murders in Southport. Of the numerous convictions which have followed, some have been found guilty of online posts threatening death or serious harm, stirring up racial hatred, or sending false information with intent to cause harm."

At the time of the rioting, the relevant provisions of the OSA were not in force, but Ofcom explained how platforms would be under a legal duty in 2025.

The Center for Countering Digital Hate has published a report, inter alia, alleging that the posts of just six influencers during the rioting spawned over 4,000 posts [from third parties] promoting violence against migrants or Muslims¹⁶ (see also the recent research of Dr Beatriz Lopes Buarque at the LSE)¹⁷. Notably, Mr Musk did little himself to encourage responsible social media use during the rioting, instead publishing various provocative tweets, including the comment "civil war is inevitable" under a video of violent riots in Liverpool and a tweet complaining about "mass migration and open borders".¹⁸

In August 2024, a spokesperson for 10 Downing Street confirmed social media platforms would be held accountable in the future¹⁹:-

"The government is working with social media platforms to ensure that they are removing content quickly [and] that their processes are in place, but there is more that they can and should be doing," the spokesperson said.

"They have a responsibility to ensure the safety of their users and online spaces, to ensure that criminal activity is not being hosted on their platforms. They shouldn't be waiting for the Online Safety Act for that. They already have responsibilities in place under the law ... They have responsibilities that we will hold them to account for."

Remarkably to date, no serious attempt has been made to hold social media platforms to account, despite the relevant provisions of the OSA having been in force for nearly eight months.

Our client appreciates that there is a significant difference in the approach to freedom of expression in the USA where X is based. Hate speech is constitutionally protected in the USA by virtue of the First Amendment. In the UK, freedom of expression may be restricted in the interests of national security, public safety, the prevention of disorder or crime, the protection of health or

¹⁵ <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/public-correspondence/2024/letter-from-dame-melanie-dawes-to-the-secretary-of-state-22-october-2024.pdf?v=383693>

¹⁶ [Fuelling Hate: Fuelling Hate One year after the 2024 UK riots, X still lets abuse spread unchecked; A-Home-for-Hate-Report_Final.pdf](#)

¹⁷ <https://blogs.lse.ac.uk/medialse/2025/11/19/how-verified-accounts-on-x-fuelled-far-right-riots-in-the-uk/>

¹⁸ <https://x.com/elonmusk/status/1819933223536742771>

¹⁹ <https://www.theguardian.com/uk-news/article/2024/aug/05/no-10-criticises-elon-musk-post-x-riots>

BRETT WILSON

the protection of the reputation or rights of others. Ofcom should only be concerned with the *legal position in the UK*. The laws concerning hate speech are not new; the underlying legislation referred to in this letter is nearly 40 years old.

The OSA was enacted by a democratically elected parliament and is the product of many years of research and parliamentary scrutiny. Whilst our client recognises there may be concern amongst UK politicians about the political sensitivity of investigating X given the platform's reach and Mr Musk's own high profile and significant spheres of influence, this is not a factor which a regulator should take into consideration.

It is our client's firm belief that the time has now come for non-compliant social media platforms to be held to account. Moreover, it believes that the vast majority of the British public share this view and despair of online hate and the real-world harm it is causing. Accordingly, our client invites Ofcom to confirm that it will launch a formal investigation into X in respect of Priority Illegal Content of the type identified in this letter.

We look forward to hearing from you.

Yours faithfully

A stylized, handwritten signature in black ink, consisting of a series of connected loops and a final horizontal stroke.

BRETT WILSON