

PENALTY NOTICE

MEDIALAB.AI, INC.

Penalty Notice to MediaLab.AI, Inc. under
Section 155(1) Data Protection Act 2018

4 February 2026

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DATA PROTECTION ACT 2018
(PART 6, SECTION 155)
ENFORCEMENT POWERS OF THE INFORMATION COMMISSIONER
PENALTY NOTICE

To: MediaLab.AI, Inc.

FAO: [REDACTED]

Of: 1222 6th Street
Santa Monica
California
CA 90401

I. INTRODUCTION AND SUMMARY

1. Pursuant to section 155(1)(a) of the Data Protection Act 2018 ("**DPA 2018**"), by this written notice ("**Penalty Notice**"), the Information Commissioner (the "**Commissioner**") requires MediaLab.AI, Inc. ("**MediaLab**") to pay the Commissioner a penalty of **£247,590**.
2. This Penalty Notice is issued in respect of the Commissioner's findings of infringement of the following provisions of the UK General Data Protection Regulation ("**UK GDPR**"):
 - a) Articles 5(1)(a), 6 and 8 UK GDPR (the "**Lawful Basis Infringements**"); and
 - b) Article 35 UK GDPR (the "**DPIA Infringement**"),together, the "**Infringements.**"
3. On 17 December 2024, the Information Commissioner's Office ("**ICO**") informed MediaLab that it had initiated an investigation into MediaLab's processing of children's personal data in order to assess its compliance with the UK GDPR and DPA 2018 (the "**Investigation**").¹ The Investigation followed the introduction of the Commissioner's Age

¹ Letter from the ICO to MediaLab, 17 December 2024


[REDACTED]

Appropriate Design Code² (the “**Children’s Code**”) which sets out 15 standards, underpinned by the requirements of the UK GDPR, which organisations within its scope are expected to adhere to.


4. This Penalty Notice sets out the Commissioner’s conclusions and the reasons why the Commissioner has decided to impose a penalty, including the circumstances of the Infringements and the nature of the personal data involved.
5. In accordance with paragraph 2 of Schedule 16 to the DPA 2018, the Commissioner issued a notice of intent (“**NOI**”) to MediaLab on 10 September 2025 setting out the reasons why the Commissioner proposed to issue a penalty notice to MediaLab. In that NOI, the Commissioner indicated that the total amount of the penalty he proposed to impose was £393,000, comprised of £262,500 for the Lawful Basis Infringements and £130,500 for the DPIA Infringement.
6. On 29 October 2025, MediaLab made written representations (the “**Written Representations**”) in response to the Commissioner’s NOI.³ In reaching the decision to issue this Penalty Notice, the Commissioner has taken full account of MediaLab’s representations and, where appropriate, this Penalty Notice makes specific reference to them.
7. Subject to paragraph 8 below, this Penalty Notice relates to the processing by MediaLab of personal data relating to the users of the Imgur website and mobile application (together the “**Platform**”) who:
 - a) in respect of the Lawful Basis Infringements, were under 13 years old; and
 - b) in respect of the DPIA Infringement, were under 18 years old (the “**Relevant Processing**”).

² [Age appropriate design: a code of practice for online services | ICO](#), which came into force on 2 September 2020 with a 12-month transition period for organisations to conform by 2 September 2021.

³ Letter from Kennedys Law LLP to the ICO, 29 October 2025

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8. However, the Relevant Processing does not include processing performed by MediaLab that was necessary for the purposes of:
- a) identifying and removing users under 13 years old from the Platform;
 - b) detecting, preventing and responding to security risks, abuse, fraud and technical issues which could harm such users; or
 - c) complying with applicable law.
9. The DPIA Infringement relates to a failure to carry out a data protection impact assessment (“**DPIA**”) in respect of prospective high-risk processing of personal data of users of the Platform who were under the age of 18.
10. The Commissioner has concluded that MediaLab infringed Article 5(1)(a), Article 6, Article 8 and Article 35 UK GDPR for the reasons summarised below:
- a) MediaLab processed the personal data of children under 13 years old on the Platform unlawfully in circumstances where none of the lawful bases for processing in Article 6(1)(a)-(f) UK GDPR applied to the Relevant Processing, in breach of the requirement that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (Article 5(1)(a) UK GDPR).
 - b) The Platform’s Terms of Service⁴ (the “**Terms of Service**”) permit children under 13 years old to access the Platform under parental supervision. However, MediaLab did not use any form of assurance to determine the age of users of the Platform and did not have any measures in place to obtain parental consent to the processing of the personal data of users of the Platform under 13 years old. Therefore, whilst MediaLab confirmed that it sought to rely on

⁴ [Terms of Service — Imgur: The magic of the Internet](#) (accessed 6 August 2025)



consent for the processing of the personal data of children under 13 years old on the Platform in accordance with Article 6(1)(a) UK GDPR,⁵ it failed to ensure that consent was given or authorised by the holder of parental responsibility over these children, and/or failed to make reasonable efforts to verify in such cases that consent was given or authorised by the holder of parental responsibility, taking into consideration available technology, as required by Article 8 UK GDPR.

c) MediaLab failed to carry out a DPIA in accordance with the requirements of Article 35(1) UK GDPR, despite engaging in processing which was likely to result in a high risk to the rights and freedoms of natural persons, in this case children who were under 18 years old.⁶

11. The Commissioner has concluded that the relevant period of infringement (the "**Relevant Period**") began on 27 September 2021 when MediaLab acquired Imgur, Inc.⁷ and ended on 30 September 2025, when MediaLab implemented measures intended to prevent users in the UK from accessing the Platform.⁸


12. This Penalty Notice is issued in respect of the Infringements on the basis that, in all the circumstances of the case, and having regard to the matters listed in Article 83(1) and 83(2) UK GDPR, the Commissioner considers that the imposition of a penalty in the sum of £247,590 is an effective, proportionate and dissuasive response to the Infringements.

⁵ Letter from MediaLab to the ICO, 30 October 2024

⁶ Article 35(4) UK GDPR requires the Commissioner to establish and publish a list of the types of processing operation which are subject to the requirement for a DPIA pursuant to Article 35(1) UK GDPR. The list the Commissioner has published in accordance with Article 35(4) UK GDPR includes the use of personal data of children where the controller intends to offer online services directly to children.

⁷ [Celebrating Imgur's Next Chapter - Imgur](#) (accessed 24 July 2025) and letter from MediaLab to the ICO dated 23 July 2025

⁸ [Imgur access in the United Kingdom – imgur](#) (accessed 20 October 2025)

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13. The Commissioner notes MediaLab’s commitment in its Written Representations, that, to the extent that it decides to relaunch the Platform in the UK, and prior to doing so, it will implement a remediation plan designed to achieve compliance with the UK GDPR, and, where applicable, the Children’s Code. This commitment includes carrying out a child-focused DPIA and implementing age-assurance controls appropriate to the level of risk, including verifiable parental consent for children under 13 years old or, where applicable, 18+ age-gating (in the event that MediaLab decided to relaunch the Platform in the UK as an adult-only service).⁹
14. The penalty of £247,590 is comprised of:
- a) £165,375 in respect of the Lawful Basis Infringements; and
 - b) £82,215 in respect of the DPIA Infringement.

II. RELEVANT LEGAL FRAMEWORK

15. Section 155(1) DPA 2018 provides that where the Commissioner is satisfied that a person has failed, or is failing, in a manner described in section 149(2) DPA 2018, the Commissioner may, by written notice (a penalty notice), require the person to pay to the Commissioner an amount in sterling specified in the notice.
16. Section 149(2) DPA 2018 materially provides that:
- “The first type of failure is where a controller or processor has failed, or is failing to comply with any of the following –*
- (a) a provision of Chapter II of the UK GDPR or Chapter 2 of Part 3 or Chapter 2 of Part 4 of this Act (principles of processing);*
 - (b) a provision of Articles 12 to 22 of the UK GDPR or Part 3 or 4 of this Act conferring rights on a data subject;*

⁹ MediaLab’s Written Representations, 29 October 2025, Executive Summary: paragraph 1.6

[REDACTED]

(c) a provision of Articles 25 to 39 of the UK GDPR or section 64 or 65 of this Act (obligations of controllers and processors)...”

17. The relevant substantive provisions of the UK GDPR are set out below in the sections dealing with the respective Infringements. The legal framework on setting penalties is set out in **Section V** of this Notice.

III. BACKGROUND TO THE INFRINGEMENTS

18. This section summarises the relevant background to the Commissioner’s findings of infringement.

(1) The Children’s Code and the background to the Investigation


19. The Commissioner is required by section 123(1) DPA 2018 to prepare a code of practice which contains such guidance as the Commissioner considers appropriate on standards of age-appropriate design of relevant information society services (“**ISS**”)¹⁰ which are likely to be accessed by children. In compliance with this obligation, the Commissioner laid the Children’s Code before Parliament on 11 June 2020. The Children’s Code was then issued on 12 August 2020 and came into force on 2 September 2020.¹¹

20. In accordance with section 123(1) DPA 2018, the Children’s Code is directed at providers of ISS that are “*likely to be accessed by children*” and is expressly not “*restricted to services specifically directed at children.*”¹²

¹⁰ Article 4(25) UK GDPR states that “*information society service*” means a service as defined in Article 1(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council (as it had effect immediately before IP completion day) which defines “*service*” as “*any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services. For the purposes of this definition (i) ‘at a distance’ means that the service is provided without the parties being simultaneously present; (ii) ‘by electronic means’ means that the service is sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means; (iii) ‘at the individual request of a recipient of services’ means that the service is provided through the transmission of data on individual request.*”

¹¹ [About this code | ICO](#)

¹² See [Children’s Code: Services Covered by this Code](#)

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21. The transitional arrangements set out upon issuance of the Children’s Code provided that ISS within its scope were expected to bring their processing into compliance with the standards of the Children’s Code by 2 September 2021.¹³
 22. On 18 May 2021, the Commissioner conducted a risk assessment to identify any ISS that could be considered to be higher risk because of provisional indications of non-conformance with the Children’s Code. This assessment identified social media and messaging services as a sector of high risk for children.¹⁴
 23. MediaLab, and specifically the Platform, was identified as of interest in the context of this work. The ICO identified that the Platform was ranked by Statista as the eleventh most commonly used website or mobile app to watch video content online by children in the UK as of January 2021.¹⁵ Following a review of the age assurance practices on the Platform, the Commissioner wrote to MediaLab on 21 August 2024 informing the company that he had concerns regarding the absence of any such measures and requesting further information about the processing of personal data relating to users of the Platform aged under 18.¹⁶
 24. The Commissioner reviewed MediaLab’s responses in order to identify whether there was a risk that MediaLab’s processing activities in relation to the Platform were not conforming to the standards set out in the Children’s Code, which would indicate a likelihood that MediaLab would be unable to demonstrate its compliance with relevant provisions of the UK GDPR.¹⁷ Following this assessment and further internal discussions, the Commissioner commenced the Investigation on 17 December 2024.

¹³ See [Children’s Code: Transitional arrangements](#) and section 123(6) DPA 2018

¹⁴ Intelligence Briefing – Age Appropriate Design Code – Risk Assessment (8 May 2021)

¹⁵ [Platforms used by children in the UK to watch online videos 2021 | Statista](#)

¹⁶ Letter from the ICO to MediaLab, 21 August 2024

¹⁷ See [Children's Code: Legal status of this code](#)

[REDACTED]

(2) Corporate background

25. Imgur, Inc. was incorporated on 28 March 2014 in Delaware, USA and is headquartered in San Francisco, California, USA.¹⁸
26. On 27 September 2021, Imgur, Inc. was acquired by MediaLab.¹⁹ MediaLab was founded in 2018 by [REDACTED] [REDACTED] and is headquartered in Santa Monica, California, USA. MediaLab was incorporated as MediaLab.AI, Inc. on 18 May 2018 in Delaware, USA.²⁰ MediaLab describes itself as “a media and technology company focused on acquiring and expanding properties and global brands.”²¹
27. Imgur, Inc. operates as a wholly owned subsidiary of MediaLab. In response to enquiries from the Commissioner, MediaLab stated that “*Imgur is wholly owned and operated by MediaLab. Day-to-day operations are overseen by Imgur’s Product Owner, a MediaLab employee. Imgur also utilises shared resources that are available to MediaLab-owned platforms, including legal, trust and safety, support, HR, sales and business development, finance/accounting, advertisement technology and data services.*”²² In addition, MediaLab informed the Commissioner that “*MediaLab’s executive team, which includes the chief executive officer, chief accounting officer and chief product officer, is responsible for making decisions about the purpose and means of processing personal data*” of users of the Platform.²³
28. MediaLab and its subsidiaries, including Imgur, Inc., are wholly-owned subsidiaries of [REDACTED] [REDACTED] [REDACTED] was incorporated on [REDACTED] and acquired MediaLab on [REDACTED]²⁴

¹⁸ Letter from MediaLab to the ICO, 23 July 2025

¹⁹ [Celebrating Imgur's Next Chapter - Imgur](#) (accessed 24 July 2025) and letter from MediaLab to the ICO dated 23 July 2025

²⁰ Letter from MediaLab to the ICO, 23 July 2025

²¹ [MediaLab: About | LinkedIn](#) (accessed 6 August 2025)

²² Letter from MediaLab to the ICO, 3 May 2025

²³ Letter from MediaLab to the ICO, 3 May 2025

²⁴ Letter from MediaLab to the ICO, 23 July 2025

- [REDACTED]
29. [REDACTED], MediaLab and Imgur, Inc. are not publicly traded companies. On 5 May 2025, MediaLab provided financial information for MediaLab and Imgur, Inc. to the Commissioner which showed that in the year ending 31 December 2024, MediaLab generated a worldwide revenue of \$ [REDACTED]. In response to the NOI and in support of its Written Representations, MediaLab provided updated financial information which showed that MediaLab's projected turnover for the year ending 31 December 2025 was expected to [REDACTED] [REDACTED] on an annualised basis to \$ [REDACTED].²⁵
30. [REDACTED]
[REDACTED]
[REDACTED] Consequently, no financial documents relating to [REDACTED] are available as of the date of this Penalty Notice.²⁶
31. As of 28 April 2025, MediaLab employed approximately [REDACTED] staff, including both full time employees and contractors, of which [REDACTED] staff members were solely employed by Imgur, Inc. However, as Imgur, Inc. utilises shared resources that are available to MediaLab-owned platforms, the number of individuals who work on projects related to the Platform at any given time fluctuates.²⁷
32. Neither MediaLab nor Imgur, Inc. have a UK-based office, nor any UK-based employees. However, during the Relevant Period, MediaLab engaged the services of DP Data Protection Services Ltd as its UK representative for the purposes of Article 27(1) UK GDPR.²⁸

²⁵ This figure was calculated by dividing MediaLab's reported turnover in the nine months to 30 September 2025 by nine and multiplying by twelve.

²⁶ Letter from MediaLab to the ICO, 23 July 2025

²⁷ Letter from MediaLab to the ICO, 3 May 2025

²⁸ The Commissioner notes that whilst DP Data Protection Limited is MediaLab's representative in the UK for the purposes of Article 27 UK GDPR, this does not affect MediaLab's own legal liability, pursuant to Article 27(5) UK GDPR.

(3) The Platform

33. The Platform is an online image sharing and hosting platform that allows users to view, post and share media, for example, graphics interchange formats (“**GIFs**”) and images. Users can communicate with one another by posting public comments or sending private messages, GIFs or emojis. Throughout the Relevant Period, the Platform was available to download in app format in the UK via the Apple App Store²⁹ and Google Play Store,³⁰ whilst its website³¹ was also accessible to users in the UK.
34. The Platform was generally free to access for users in the UK. However, MediaLab did offer a service called “*Imgur Emerald*” where, for a monthly payment of £1.99, users could browse the Platform free of advertisements, receive a trophy for their profile and unlock themed avatars. *Imgur Emerald* members could also award three free “*Accolades*” to posts on the Platform each day.³²
35. Any person can browse the Platform as a guest, without creating an account (“**Guest Users**”), or by creating and logging into an account (“**Logged-in Users**”). Logged-in Users can post GIFs, videos and images to the Platform, which can then be responded to by other Logged-in users, including by up or down voting the content and leaving comments. Guest Users can upload content but cannot access uploads to the Platform without the direct URL, up or down vote existing content, comment on posts or otherwise interact with users in any way. If a Guest User attempts to take any of these actions, a pop-up is generated prompting the user to sign-up or log in to an account on the Platform.
36. All posts on the Platform are public and accessible by other users.

²⁹ [Imgur: Funny Memes & GIF Maker on the App Store](#) (accessed 6 August 2025)

³⁰ [Imgur: Funny Memes & GIF Maker – Apps on Google Play](#) (accessed 6 August 2025)

³¹ www.imgur.com (accessed 6 August 2025)

³² [Imgur Emerald - Browse ad-free and get bonus exclusives](#) (accessed 21 August 2025)

However, all users can create “hidden” posts which are not searchable and do not appear in the Platform’s public gallery, whilst remaining accessible via the direct URL.³³ Users are able to store their favourite posts on the Platform in private folders outside of their public profile.³⁴ Logged-in Users can send direct messages to other users. However, according to the Platform’s privacy policy (the “**Privacy Policy**”),³⁵ “To ensure that Imgur’s messaging platform is not used as a platform for illegality, all messages are public. No messages are ever completely hidden from public view. We may monitor user messaging.”³⁶

37. The Platform contains a “mature content” toggle which allows Logged-in Users to “enable mature content”. Logged-In Users do not have to verify their age when changing their mature content settings. Throughout the Relevant period, UK-based users of the Platform could not turn on “mature content” on the iOS version of the Platform due to Apple’s App Store requirements. If this was attempted, users of the iOS version of the Platform received an error message when attempting to open the settings through the Platform’s Help Centre.
38. In April and July 2025, the ICO undertook research on the content available on the Platform, a summary of which can be found at **Annex 3**.³⁷ The research identified content containing explicit imagery which has factored into the Commissioner’s consideration of seriousness in **Section V(2)** of this Penalty Notice. An advisory content warning is hereby given in respect of the contents of **Annex 3**. This research found that potentially harmful content was accessible to both Logged-

³³ [Post Privacy Settings – imgur](#) (accessed 21 August 2025)

³⁴ [Favorites and Favorite Folders – imgur](#) (accessed 21 August 2025)

³⁵ As part of the Investigation, the Commissioner has reviewed versions of the Privacy Policy dated 6 May 2021, 3 May 2022, 11 January 2023 and 22 January 2024.

³⁶ [Privacy Policy – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

³⁷ The research was conducted using an iOS device and separately using an Android device, both in the Imgur app and via a web browser (Safari, in the case of the iOS device and Google Chrome, in the case of the Android device).

[REDACTED]

in Users and Guest Users on the Platform. This was accessible both when the mature content setting was toggled to on and to off.

39. On 11 August 2025, MediaLab informed the Commissioner that it intended to withdraw the Platform from the UK market by no later than February 2026 on the basis that *“market conditions are such that operations are no longer viable in this region.”*³⁸
40. In a subsequent update to the Commissioner on 18 August 2025, MediaLab stated that the withdrawal of the Platform from the UK was a *“high priority for MediaLab”* and that *“as such, the target for the [P]latfom’s exit is now on or before September 30, 2025.”*³⁹ At this time the Commissioner understood that MediaLab intended to deploy a geo-block,⁴⁰ meaning that users identified as being located in the UK would no longer be able to access the Platform, either via a web browser or the mobile application. MediaLab informed the Commissioner that users attempting to access the Platform from the UK would be redirected to a help centre article regarding the withdrawal of the Platform from the UK. MediaLab also stated that it would provide users with advance notice of the geo-block in order to enable them to backup their content, delete their account or request copies of their personal data from MediaLab, with MediaLab indicating that it would continue to provide support to UK users for a period of time following the deployment of the geo-block to ensure that they retain the ability to submit requests for their personal data.⁴¹
41. On 30 September 2025, MediaLab issued a statement confirming that, as of that date, *“access to Imgur from the United Kingdom is no longer available. UK users will not be able to log in, view content, or upload images. Imgur content embedded on third-party sites will not display*

³⁸ Email from MediaLab to the ICO, 11 August 2025

³⁹ Email from MediaLab to the ICO, 18 August 2025

⁴⁰ A “geo-block” refers to the practice of restricting or denying access to online content or services based on a user’s geographical location, as determined by their IP address.

⁴¹ Email from MediaLab to the ICO, 18 August 2025

for UK users.”⁴²

(4) MediaLab’s processing of personal data

42. The personal data processed by MediaLab via the Platform varies according to whether the Platform is accessed by a Logged-in User or a Guest User. In respect of both Logged-in Users and Guest Users, MediaLab automatically collects:
- a) IP address;⁴³
 - b) region;⁴⁴
 - c) device characteristics (including device ID for mobile devices);
 - d) operating systems;
 - e) browser type;
 - f) username from stored cookies,⁴⁵ if present;
 - g) page and image viewing statistics; and
 - h) metadata associated with any uploaded images.
43. The categories of information listed at points c) to h) above are identified in the Privacy Policy as information that is automatically collected. However, the Privacy Policy states that “*None of this information is “personal information” – that is, data we could use to identify a specific person.*” Despite this statement by MediaLab, the Commissioner has concluded that this information constitutes

⁴² [Imgur access in the United Kingdom – imgur](#) (accessed 22 October 2025)

⁴³ An Internet Protocol (“IP”) address is a unique string of numbers that identifies each computer using the IP to communicate over a network.

⁴⁴ Letter from MediaLab to the ICO, 3 May 2025. The Commissioner understands that the user’s “region” refers to the geographical location from which the user is accessing the Platform, as determined by their IP address.

⁴⁵ A cookie is a small text file that is downloaded on to “terminal equipment” (e.g. a computer or smartphone) when a visitor accesses a website. Essential cookies enable core website functionality, such as account management and user login, while non-essential cookies allow for further personalisation of a visitor’s experience on the relevant website – including personalised advertising – and for website providers to measure analytics and website performance.

[REDACTED]

“personal data,” within the meaning of Article 4(1) UK GDPR,⁴⁶ as it is information which relates to an identified or identifiable natural person and could, either directly or indirectly in combination with other information collected by MediaLab, be used to identify that natural person. In reaching this conclusion, the Commissioner has considered the ICO’s guidance on *what is personal data*,⁴⁷ which states that organisations *“may process information that, by itself, does not permit the direct identification of an individual. However, within your organisation you may also process other information that, when combined, allows a particular individual to be indirectly identified. If the information relates to that identified individual, it constitutes personal data.”*⁴⁸

44. In addition to the categories of personal data listed at paragraph 42 above, where the Platform is accessed by a Logged-in User, MediaLab processes the following categories of personal data:
- a) email address;⁴⁹
 - b) username;⁵⁰ and
 - c) dates and times of each log in.⁵¹
45. A mobile phone number is also required to open an account on the Platform. According to the Privacy Policy, a verification code is sent to the account holder to verify the number but, beyond that, the number is not retained by MediaLab. Instead, the mobile number is one way

⁴⁶ Article 4(1) UK GDPR defines *“personal data”* as *“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity or social identity of that natural person.”*

⁴⁷ [What is personal data? | ICO](#)

⁴⁸ [Can we identify an individual indirectly from the information we have \(together with other available information\)? | ICO](#)

⁴⁹ Letter from MediaLab to the ICO, 3 May 2025

⁵⁰ [Privacy Policy — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

⁵¹ [Privacy Policy — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

encrypted into a hash which, according to MediaLab, cannot be decrypted.

46. MediaLab advises users in the European Economic Area who wish to open an account on the Platform not to use their real name when creating a username, instructing them to *“choose a username and email address that reveal nothing about your identity. If you give us an email address, we’ll probably send you promotional messages once in a while... We may work with outside companies to deliver targeted advertising to you while ensuring that no personal information about you is ever used; for example, we may generate a one-way hash from the email address you provide and provide only the hash to the outside companies, who track only the hash.”*⁵²
47. MediaLab also informs users of the Platform that when they input an email address, such as when logging in or signing up for a newsletter, it *“may share with LiveRamp⁵³ and its group companies information that we collect from you, such as your email (in hashed, pseudonymous form), IP address, or information about your browser or operating system, with any of the following, acting as “joint controllers” (as applicable and defined in the GDPR). LiveRamp uses this information to create an online identification code that we may store in our first-party cookie for our use in online, in-app and cross-channel advertising. This may be shared with advertising companies to enable interest-based and targeted advertising. LiveRamp uses this information to create an online identification code for the purpose of recognising you on your devices. This code does not contain any of*

⁵² [Privacy Policy — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

⁵³ LiveRamp Holdings, Inc. is a US-based software-as-a-service company which enables companies and their partners to connect, control and use data to tailor customer experiences with the aim of increasing the profitability of their businesses. LiveRamp provides an interoperable software infrastructure which, amongst other services, enables data onboarding (transferring offline data to an online environment for marketing purposes) and can be integrated into an organisation’s existing systems. - [About Us | LiveRamp](#) (accessed 30 June 2025)

[REDACTED]

*your directly identifiable personal data and will not be used by LiveRamp to re-identify you.*⁵⁴

48. In respect of information posted by users of the Platform, the Privacy Policy states as follows:

"Imgur does not "collect" the stuff you post: images, comments, messages, etc., and – with respect to persons in the EEA – does not "process" or determine any purposes for processing of any information that you manifestly make public... No image uploaded to Imgur is ever completely hidden from public view. This is mainly to ensure that Imgur, which allows for anonymous postings, will not be used as a platform for illegality."⁵⁵

49. The Privacy Policy also states that *"Imgur does not collect "personal data" about, or monitor behavior of, "data subjects" as those terms are defined in GDPR Art.4(1), nor do we "target" individuals in the EEU [sic]."*⁵⁶

50. Notwithstanding this statement, the Commissioner's view is that, throughout the Relevant Period, MediaLab processed, within the meaning of Article 4(2) UK GDPR, the personal data of UK users of the Platform listed in paragraphs 42 and 44 above, as the Privacy Policy states that this information is automatically collected and *"collection"* is listed as an example of an operation which constitutes *"processing"* in Article 4(2) UK GDPR.

(5) Child users of the Platform

51. This sub-section sets out:

- a) MediaLab's stated position on access to the Platform by users under 13 years old; and
- b) the Commissioner's estimates of the number of children who

⁵⁴ [Privacy Policy – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

⁵⁵ [Privacy Policy – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

⁵⁶ [Privacy Policy – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

used the Platform in the UK during the Relevant Period.

(a) The Platform's Terms of Service and MediaLab's approach to children using the Platform

52. The Terms of Service are accessible at the foot of the Platform's website landing page, as well as by navigating to "Settings" in the app. The Terms of Service purport to set out the terms users are required to accept as a condition of accessing the Platform. However, there is no requirement for users to positively affirm that they have accepted these terms.

53. In respect of children under 13 years old, the Terms of Service state that:

*"Imgur is not meant for use by children under age 13; if your child is younger than 13 please allow him or her to use it only under your supervision. Parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist you in limiting access to material that is harmful to minors. See e.g. www.toptenreviews.com/software/security/best-internet-filter-software."*⁵⁷

54. In response to enquiries from the Commissioner, MediaLab confirmed that *"instances where a user under 13 would be permitted to use the platform would be where they are doing so under parental supervision, in accordance with the Terms of Service,"* but that it *"does not currently perform any age assurance at account set-up, nor does [MediaLab] capture birth dates."*⁵⁸ When asked how underage accounts can be detected, in light of the fact that MediaLab does not undertake any form of review of the ages of account holders, MediaLab informed the Commissioner that *"Potential underage accounts that are detected would have been brought to the attention*

⁵⁷ [Terms of Service – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

⁵⁸ Letter from MediaLab to the ICO, 15 October 2024

[REDACTED]

of Imgur through user reporting. This includes accounts that may have been identified through direct reports or during investigations related to other reports. When a potentially underage account is made known to Imgur, the Trust & Safety Team will review the user's profile to confirm whether the account holder is indeed underage, based on evidence available on the user's profile." When asked to confirm how many underage accounts had been removed in the last 12 months and to provide a breakdown of how many of those accounts related to UK users, MediaLab answered "None".⁵⁹ MediaLab also confirmed that "There is no mechanism currently used to determine whether an account identified as "underage" is being used with parental supervision."⁶⁰

55. MediaLab confirmed that "Any measures undertaken to safeguard against inappropriate content are applied across the entire platform, regardless of user age."⁶¹ MediaLab also confirmed that it had no plans to introduce a child-specific version of the Platform.⁶²
56. On 3 May 2025, MediaLab informed the Commissioner that it was "assessing the implementation of age assurance measures based on known or potential risks associated with the [Platform], costs of implementation and its potential economic impact, and user experience. Additionally, due to the disparity in users who engage with the [Platform] logged-out vs. those who engage with the [Platform] logged-in, further investigation must be conducted to determine the feasibility of an age assurance measure that is proportionate to the processing activities. This assessment and associated internal discussions, are ongoing."⁶³
57. However, on 18 August 2025, MediaLab informed the Commissioner

⁵⁹ Letter from MediaLab to the ICO, 10 January 2025

⁶⁰ Letter from MediaLab to the ICO, 3 May 2025

⁶¹ Letter from MediaLab to the ICO, 10 January 2025

⁶² Letter from MediaLab to the ICO, 10 January 2025

⁶³ Letter from MediaLab to the ICO, 3 May 2025

[REDACTED]

that it was “no longer investigating age assurance in relation to the UK market due to the associated costs and the timing [of the withdrawal of the Platform from the UK].”⁶⁴

58. The Commissioner notes MediaLab’s statement in its Written Representations that, to the extent that it decides to relaunch the Platform in the UK, and prior to doing so, it would implement a remediation plan designed to achieve compliance with the UK GDPR, the Privacy and Electronic Communications Regulations 2003 and, where applicable, the Children’s Code. MediaLab informed the Commissioner that such a remediation programme would include, but not be limited to, carrying out a child-focused DPIA under Article 35 UK GDPR and age-assurance controls appropriate to the level of risk, including verifiable parental consent for children under 13 years old or, where applicable, 18+ age-gating (in the event that MediaLab decided to relaunch the Platform in the UK as an adult-only service).⁶⁵

(b) The number of children using the Platform in the UK

59. As explained at paragraph 60 below, throughout the Relevant Period, MediaLab did not require its UK users to declare their age before accessing or using the Platform.⁶⁶
60. In response to the Commissioner’s enquiries, MediaLab stated that it did not know how many children use the Platform and that it was unable to break down user numbers by age because it “does not collect user age information beyond acceptance of our terms that users must be over 13 to use our service.”⁶⁷
61. MediaLab initially informed the Commissioner that there were [REDACTED] UK users (of any age) of the Platform during the period

⁶⁴ Email from MediaLab to the ICO, 18 August 2025

⁶⁵ MediaLab’s Written Representations, 29 October 2025, Executive Summary: paragraph 1.6

⁶⁶ Letter from MediaLab to the ICO, 15 October 2024

⁶⁷ Letter from MediaLab to the ICO, 15 October 2024

[REDACTED]

between 1 June 2023 and 1 June 2024.⁶⁸ However, MediaLab subsequently informed the Commissioner that this figure had been erroneously calculated and provided updated estimates of [REDACTED] UK users of the Platform for the period between 1 June 2023 and 1 June 2024 and [REDACTED] UK users of the Platform for the period between 1 September 2023 and 1 September 2024.⁶⁹ When asked to clarify this figure, MediaLab confirmed that this referred to unique users rather than total instances of visits to the Platform by UK users. MediaLab added that UK users accessed the Platform on [REDACTED] occasions in the 1 September 2023 to 1 September 2024 period.⁷⁰ The Commissioner has not relied on the estimates provided by MediaLab when reaching the findings set out in this Penalty Notice.

62. Using a range of publicly available sources, the Commissioner has produced his own estimates of the likely number of users of the Platform between the ages of 13-17 and under 13 years old. Whilst the relevant data is yet to be published for 2024 and 2025, the Commissioner's estimates cover the majority of the Relevant Period and, as such, provide an indication of the number of children who used the Platform during the Relevant Period. The Commissioner's estimates of the number of children under 13 years old who used the Platform during the Relevant Period ranges between approximately 46,000 and 96,000 in the years 2021 to 2023. The Commissioner's estimates of the number of users of the Platform aged between 13 and 17 ranges between approximately 24,000 and 101,000 during the same period. **Annex 2** contains further detail relating to the Commissioner's estimates of the number of children who used the Platform during the Relevant Period.⁷¹

⁶⁸ Letter from MediaLab to the ICO, 15 October 2024

⁶⁹ Letter from MediaLab to the ICO, 30 October 2024

⁷⁰ Letter from MediaLab to the ICO, 3 May 2025

⁷¹ These figures were compiled using the results from the Ofcom Children's Media Literacy Tracker survey 2021, 2022 and 2023, which provided data on the use of the Platform by

IV. FINDINGS OF INFRINGEMENT

63. The Commissioner has concluded that during the Relevant Period, the Relevant Processing infringed Article 5(1)(a), Article 6, Article 8 and Article 35(1) UK GDPR for the reasons summarised below:
- a) MediaLab processed the personal data of children under 13 years old on the Platform unlawfully as, in breach of the requirement that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (Article 5(1)(a) UK GDPR), none of the lawful bases set out in Article 6(1)(a) to (f) UK GDPR applied to the Relevant Processing;
 - b) whilst MediaLab sought to rely on consent as its lawful basis for processing the personal data of children under 13 years old on the Platform in accordance with Article 6(1)(a) UK GDPR, it failed to ensure that consent was given or authorised by the holder of parental responsibility over these children, and/or failed to make reasonable efforts to verify in such cases that consent was given or authorised by the holder of parental responsibility, taking into consideration available technology, as required by Article 8 UK GDPR; and
 - c) MediaLab failed to carry out a DPIA in accordance with the requirements of Article 35(1) UK GDPR, despite engaging in processing which was likely to result in a high risk to the rights and freedoms of individuals (Article 35(1) UK GDPR), in this case, children under 18 years old.

children under the age of 18. The Commissioner primarily relied upon figures compiled from the responses to the question "*Which, if any, of these apps or sites does your child watch videos on?*", whilst the Ofcom reports also included a summary of the percentage of children using different applications across all activities and uses, thereby providing a central estimate of users between the ages of 3 and 17. The Commissioner combined the results from the Ofcom Media Literacy and Ofcom Children's Media Literacy survey reports with statistics compiled by the Office for National Statistics setting out the total number of children in the UK and in the age bracket of 3 – 17 for the relevant years.

64. In reaching his findings, the Commissioner has had regard to the matters set out below.

(1) The Relevant Period

65. As set out at paragraph 11 above, the Commissioner has concluded that the Relevant Period of infringement began on 27 September 2021, when MediaLab acquired Imgur, Inc.,⁷² and ended on 30 September 2025, when MediaLab prevented UK-based users from accessing the Platform.⁷³ The Commissioner considers that, throughout the Relevant Period, MediaLab remained non-compliant with the requirements of Article 5(1)(a), Article 6, Article 8 and Article 35(1) UK GDPR in respect of the Relevant Processing.

(2) MediaLab's status as a controller

66. MediaLab is the controller in respect of personal data of UK data subjects who were either Logged-in Users or Guest Users (or both) of the Platform during the Relevant Period because it determined the purpose and means of the Relevant Processing within the meaning of Article 4(7) UK GDPR.⁷⁴

67. The Privacy Policy does not identify the controller of personal data of users of the Platform. However, MediaLab confirmed to the Commissioner that "*Medialab's executive team, which includes the chief executive, chief accounting officer and chief product officer, is responsible for making decisions about the purpose and means of processing personal data. The executive team may consult with subject matter experts from MediaLab's data, engineering, or product teams who are familiar with the products and its users.*"⁷⁵

⁷² [Celebrating Imgur's Next Chapter - Imgur](#) (accessed 24 July 2025) and letter from MediaLab to the ICO, 23 July 2025

⁷³ [Imgur access in the United Kingdom – imgur](#) (accessed 20 October 2025)

⁷⁴ Article 4(7) UK GDPR defines "controller" as "the legal or natural person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data."

⁷⁵ Letter from MediaLab to the ICO, 3 May 2025



(3) Scope of the UK GDPR and DPA 2018

68. The provisions of the UK GDPR and DPA 2018 apply to the processing of personal data by MediaLab during the Relevant Period for the following reasons.

(a) Material scope

69. Article 2 UK GDPR sets out the Regulation's material scope:

- a) Article 2(1) UK GDPR provides that the UK GDPR applies to "*the automated or structured processing of personal data*", subject to the exceptions set out in Article 2(2) UK GDPR.
- b) The Relevant Processing constitutes the automated processing of personal data and none of the exceptions in Article 2(2) UK GDPR apply.
- c) Part 2 of the DPA 2018 applies to the Relevant Processing by virtue of section 4(2)(a) DPA 2018, which provides that "[Part 2] *applies to the types of processing of personal data to which the UK GDPR applies by virtue of Article 2 of the UK GDPR.*"

(b) Territorial scope

70. Article 3(2) UK GDPR provides that "*This Regulation applies to the relevant processing⁷⁶ of personal data of data subjects who are in the United Kingdom by a controller or processor not established in the United Kingdom, where the processing activities are related to:*

- (a) *the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the United Kingdom...*"

71. MediaLab has no UK offices, nor any employees within the UK and, throughout the Relevant Period, engaged the services of DP Data

⁷⁶ Article 3(2A) provides that: "*In paragraph 2, "relevant processing of personal data" means processing to which this Regulation applies, other than processing described in Article 2(1)(a) or (b) or (1A).*" For the avoidance of doubt, the Relevant Processing is not a form of processing described in Article 2(1)(a) or (b) or (1A) UK GDPR.

Protection Services Ltd as its UK representative for the purposes of Article 27 UK GDPR.⁷⁷

72. The Relevant Processing falls within the scope of Article 3(2)(a) UK GDPR. In particular:
- a) the Relevant Processing involved MediaLab processing the personal data of data subjects who are in the UK;
 - b) MediaLab offered services to data subjects in the UK, in the form of the provision of access to the website and app versions of the Platform to such data subjects. This constituted the provision of “services” for the purposes of Article 3(2)(a);⁷⁸ and
 - c) MediaLab processed the personal data of UK users of the Platform for the purposes of providing its services, specifically the enabling of access to the Platform. This processing, which included the Relevant Processing, was therefore related to the services which MediaLab provided to UK data subjects during the Relevant Period.
73. Moreover, where processing falls within the scope of Article 3 UK GDPR, the DPA 2018 applies to such processing pursuant to section 207(1A) DPA 2018.

(4) Special protections for children

74. Section 120B DPA 2018 materially provides that *“In carrying out functions under the data protection legislation, the Commissioner must have regard to such of the following as appear to the Commissioner to be relevant in the circumstances... (e) the fact that children merit specific protection with regard to their personal data because they may be less aware of the risks and consequences associated with processing of personal data and of their rights in*

⁷⁷ Letter from MediaLab to the ICO, 10 January 2025

⁷⁸ The Commissioner considers the Platform to be a form of ISS (as defined in paragraph 16 above) and notes the European Data Protection Board (EDPB) position that information society services are services for the purposes of Article 3(2)(a) GDPR: [Guidelines 3/2018 on the territorial scope of the GDPR \(Article 3\), Version 2.1](#), p.16


[REDACTED]

relation to such processing.”

75. The introduction of this duty into the DPA 2018 reflects Recital 38 of the UK GDPR, which states that *“Children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data.”*
76. Section 123(4)(b) DPA 2018 required the Commissioner to have regard to the United Nations Convention on the Rights of the Child (“**UNCRC**”) when preparing the Children’s Code. The Children’s Code explains that *“The UNCRC recognises that children need special safeguards and care in all aspects of their life and requires that these should be guaranteed by appropriate legal protections. European level data protection law reflects this and provides its own additional safeguards for children.”*⁷⁹
77. The concept of the *“best interests of the child”* is derived from Article 3 of the UNCRC, which provides that *“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”* The Commissioner’s *Children’s Code: Best Interests Framework* explains that *“to consider whether you are acting in the best interests of children, you must consider how your use of their data impacts on the range of rights they hold under the UNCRC.”*⁸⁰
78. Relevant examples of children’s rights that might be at stake when children use online services are set out in the Commissioner’s *Children’s Code: Best Interests Framework*, which refers to a range of rights children hold under the UNCRC. These rights include provisions aimed at supporting children’s needs for:

⁷⁹ [About this code | ICO](#)

⁸⁰ [Children’s Code: Best Interests Framework | ICO](#)

- 
- “• *safety;*
- *health;*
 - *wellbeing;*
 - *family relationships;*
 - *physical, psychological and emotional development;*
 - *identity;*
 - *freedom of expression;*
 - *privacy; and*
 - *agency to form their own views and have them heard.”⁸¹*

(5) The Lawful Basis Infringements

79. In summary, the Commissioner finds that, throughout the Relevant Period, MediaLab infringed Article 5(1)(a), Article 6 and Article 8 UK GDPR. This is based on the Commissioner’s finding that MediaLab’s processing of personal data of children under 13 years old for purposes other than those outlined in paragraph 8 above was carried out without a valid lawful basis throughout the Relevant Period.
80. The Commissioner finds that none of the lawful bases set out in Articles 6(1)(a) to (f) UK GDPR were applicable to the Relevant Processing. In particular, consent (Article 6(1)(a) UK GDPR) could only have served as a valid lawful basis in respect of MediaLab’s processing of personal data of data subjects under 13 years old insofar as Article 8 UK GDPR was complied with. The Commissioner has concluded that throughout the Relevant Period, MediaLab did not comply with the requirements of Article 8 UK GDPR in relation to the Relevant Processing.

⁸¹ [Children’s Code: Best Interests Framework | ICO](#)

(a) Legal framework

81. Article 5 UK GDPR sets out the principles relating to personal data processing. These include the following:

“(1) Personal data shall be: (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’).”

82. The Commissioner notes that in order to be compliant with Article 5(1)(a) processing must comply with Article 6 UK GDPR.⁸²

83. Article 6(1) UK GDPR materially provides that processing *“shall be lawful only if and to the extent that”* at least one of six lawful bases applies. These lawful bases include the following:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.”

84. Article 8 UK GDPR materially provides that:

“(1) Where point (a) of Article 6(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 13 years old. Where the child is below the age of 13 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.”

(2) The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.

(3) Paragraph 1 shall not affect the general contract law as it operates in domestic law such as the rules on the validity, formation or effect of a contract in relation to a child.”

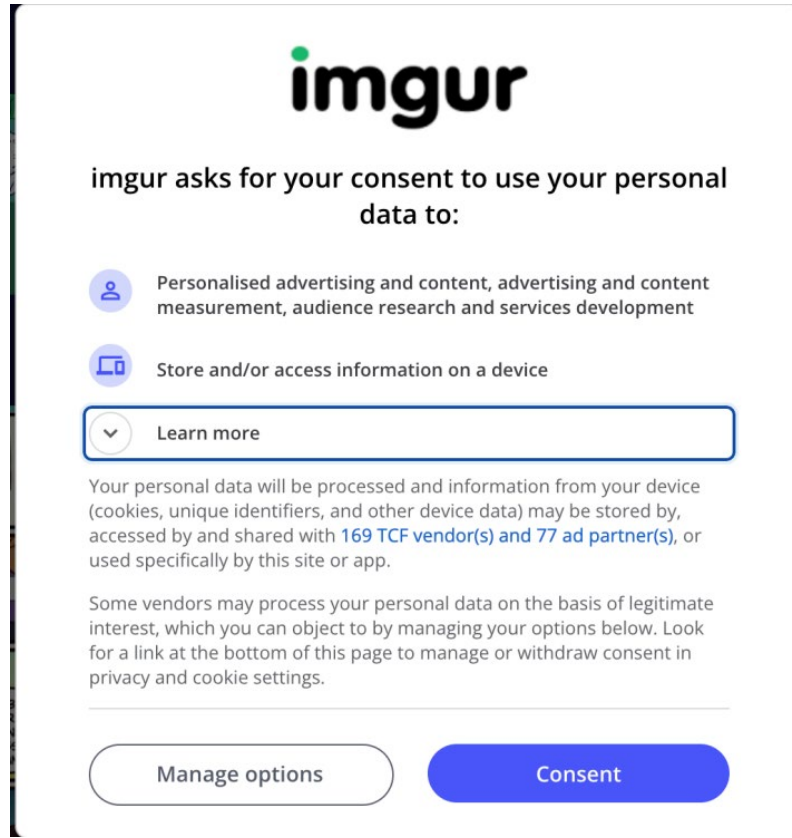
⁸² See the [Commissioner’s guidance on Article 5\(1\)\(a\) UK GDPR](#).



(b) MediaLab’s stated position

85. The Privacy Policy does not identify the lawful basis for the processing of personal data of users of the Platform, including child users.
86. MediaLab informed the Commissioner that users under 13 years old are permitted to use the Platform under parental supervision, in accordance with the Terms of Service, and confirmed that the lawful basis relied upon for the processing of the personal data of child users of the Platform, including those under 13 years old, throughout the Relevant Period was consent.⁸³
87. MediaLab also provided the Commissioner with a screenshot of the pop-up (as shown below) which appears when a user registers for an account. The pop-up states that *“Imgur asks for your consent to use your personal data to: Personalised advertising and content, advertising and content measurement, audience research and services development [and] Store and/or access information on a device.”*

⁸³ Letter from MediaLab to the ICO, 15 October 2024



88. When asked to provide evidence of the methods MediaLab used to obtain consent from the holder of parental responsibility over users of the Platform under 13 years old, MediaLab referred to the pop-up above and stated that *“Imgur does not collect birth date or age from users, as it does not undertake any review of the ages of account holders after account set up.”*⁸⁴
89. In light of the above, it is clear that MediaLab purported to process the personal data of users of the Platform under 13 years old in reliance upon the lawful basis of consent pursuant to Article 6(1)(a) UK GDPR.

(c) Findings on Article 5(1)(a), Article 6 and Article 8 UK GDPR

90. As set out above, Article 6(1)(a) UK GDPR applies where the *“data subject has given consent to the processing of his or her personal data for one or more specific purposes.”* Article 4(11) UK GDPR requires that

⁸⁴ Letter from MediaLab to the ICO, 15 October 2024

[REDACTED]

this consent must be a “*freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by clear affirmative action, signifies agreement to the processing of personal data relating to him or her.*”

91. This is a high threshold for a controller relying on Article 6(1)(a) UK GDPR to meet, as was emphasised in *RTM v Bonne Terre Limited & Hestview Limited* [2025] EWHC 111 (KB), in which Mrs Justice Collins Rice DBE confirmed that “*consent must be free, specific and informed, it must be separate from the activity to which it stands as a threshold requirement, it must be active and unambiguous.*”⁸⁵
92. Article 6(1)(a) UK GDPR only applies in respect of processing for the offer of ISS directly to a child under 13 years old if and to the extent that consent is given or authorised by the holder of parental responsibility over the child, pursuant to Article 8(1) UK GDPR.
93. The Commissioner finds that throughout the Relevant Period, MediaLab offered ISS within the meaning of Article 4(25) UK GDPR.
94. In reaching this finding, the Commissioner has had regard to the Commissioner’s *Guidance on the rules about ISS and consent*,⁸⁶ which states:

“*Any ISS which explicitly states that it is for children, or has children of any age as its target audience is clearly being offered directly to a child.*

The ICO also considers an ISS is offered directly to a child when it is made available to all users without any age restrictions or when any age restrictions in place allow users under the age of 18.

If an ISS is only made available to users who are aged 18 and over then it is not being offered directly to a child. However, if your ISS states that it has such an age limit then, in the event of a complaint,

⁸⁵ *RTM v Bonne Terre Limited & Hestview Limited* [2025] EWHC 111 (KB) at [147] – [153].

⁸⁶ [ICO: Children and the UK GDPR: What are the rules about ISS and consent?](#)

[REDACTED]

we may look for evidence that the limit is applied in practice, and not just in theory, when deciding whether Article 8 applies. We may consider evidence such as site content, marketing plans, systems or processes designed to limit access, and information provided to users, in this respect.

This means that you need to carefully consider your target audience, and be clear about what age group you intend to allow to access your ISS. If you decide not to offer your ISS to children then you need to consider how to mitigate the risk of them gaining access, using measures that are proportionate to the data protection risks inherent in the processing.

Because online processing of children’s personal data is likely to be high risk processing, you must use a data protection impact assessment to help you in this task and to evidence and explain your approach to processing.”

95. The Platform was provided at a distance, by electronic means, and at the individual request of its UK users. MediaLab shared personal data collected from UK users of the Platform with LiveRamp for the purpose of enabling interest-based and targeted advertising on the Platform⁸⁷ and also generated revenue through the payment of monthly fees by account holders who subscribed to the “*Imgur Emerald*” service.⁸⁸ Furthermore, the Commissioner finds that MediaLab offered these services directly to children in the UK, with the Commissioner’s estimates of the annual number of users of the Platform under 13 years old ranging between approximately 46,000 and 96,000 during the Relevant Period.⁸⁹ Therefore, Article 8(1) UK GDPR applied to the

⁸⁷ [Privacy Policy | MediaLab](#) (accessed 6 August 2025)

⁸⁸ 2024 financial statements for MediaLab and Imgur, Inc. provided to the ICO on 6 May 2025

⁸⁹ See paragraph 62 above and Annex 2.

Relevant Processing due to MediaLab's reliance on the lawful basis of consent.

96. In light of the above, the Commissioner considers that Article 8(1) UK GDPR applied to the Relevant Processing insofar as the lawful basis of consent, under Article 6(1)(a) UK GDPR, was relied upon.
97. However, MediaLab did not obtain (nor sought to obtain) parental consent for users under 13 years old. Therefore, the Commissioner finds that throughout the Relevant Period MediaLab failed to comply with Article 8 UK GDPR in relation to the Relevant Processing, and that, as a result, Article 6(1)(a) UK GDPR could not provide a lawful basis for the Relevant Processing.
98. Therefore, the Commissioner has concluded that the Relevant Processing infringed Article 5(1)(a) UK GDPR as it was carried out without a lawful basis.
99. The Commissioner notes that in its Written Representations, MediaLab accepted the Commissioner's provisional findings of infringement set out in the NOI, stating that: "*MediaLab accepts in principle the Commissioner's core finding that, within the meaning of the NOI, the Relevant Processing of under-13s personal data... lacked a valid lawful basis under Article 6 of the UK GDPR because parental authorisation under Article 8 of the UK GDPR and age verification were not implemented across the Relevant Period.*"⁹⁰

(6) The DPIA Infringement

100. The Commissioner finds that MediaLab failed to comply with Article 35 UK GDPR throughout the Relevant Period as it failed to carry out a DPIA in accordance with the requirements of Article 35(1) UK GDPR, despite engaging in processing which was likely to result in a high risk to the

⁹⁰ MediaLab's Written Representations, 29 October 2025: Section 1: paragraph 1.1

rights and freedoms of individuals, in this case, users of the Platform under the age of 18.

(a) Legal framework

101. Article 35(1) UK GDPR provides:

“Where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risk.”

102. Article 35(4) UK GDPR requires the Commissioner to *“establish and make public a list of the kind of processing operations which are subject to the requirement for a data protection impact assessment.”* The Commissioner has accordingly published a non-exhaustive list of examples of processing which are likely to result in a high risk to the rights and freedoms of natural persons.⁹¹ These examples include the *“use of the personal data of children or other vulnerable individuals for marketing purposes, profiling or other automated decision-making , or if you intend to offer online services directly to children,”* such as through *“social networks.”*

103. The Commissioner’s *Guidance on DPIAs*⁹² is based upon, and complements, guidelines endorsed by the European Data Protection Board (“**EDPB**”).⁹³ The EDPB guidelines state that a DPIA will be required where two or more of nine criteria are met. Those criteria include data processed on a large scale (for example, across a large

⁹¹ [ICO: DPIAs: When do we need to do a DPIA?: What does the ICO consider likely to result in high risk?](#)

⁹² [ICO: Data Protection Impact Assessments \(DPIAs\)](#)

⁹³ Available from the [European Commission website](#), as initially promulgated by the Article 29 Working Party and [endorsed by the EDPB](#).

[REDACTED]

number of data subjects or large geographic area) and the processing of personal data concerning vulnerable data subjects, including children *“who can be considered as not able to knowingly and thoughtfully oppose or consent to the processing of their data.”*⁹⁴

104. The Commissioner’s guidance states that the intention to offer online services directly to children and the large-scale processing of children’s personal data are likely to result in a high risk to the rights and freedoms of those children.⁹⁵ Therefore, a DPIA will generally be required prior to such processing being carried out.

105. Standard 2 of the Children’s Code states that organisations within its scope should *“Undertake a DPIA to assess and mitigate risks to the rights and freedoms of children who are likely to access your service, which arise from your data processing. Take into account differing ages, capacities and developmental needs and ensure that your DPIA builds in compliance with this Code.”* Standard 2 of the Code further notes that, in practice, controllers offering online services likely to be accessed by children are required to carry out a DPIA. This is supported by the Commissioner’s *guidance on rules about ISS and consent*, which explains that because *“online processing of children’s personal data is likely to be high risk processing, you must use a data protection impact assessment”* to *“evidence and explain your approach to processing.”*⁹⁶

106. Article 35(7) UK GDPR provides that:

“The assessment shall contain at least:

⁹⁴ [Article 29 Data Protection Working Party Guidelines on Data Protection Impact Assessment \(DPIA\) and determining whether processing is “likely to result in a high risk” for the purposes of Regulation 2016/79](#), pg. 10 (adopted 4 April 2017, revised and adopted 4 October 2017), as endorsed by the EDPB in Endorsement 1/2018 (25 May 2018)

⁹⁵ [ICO: DPIAs: When do we need to do a DPIA?: What does the ICO consider likely to result in high risk?](#)

⁹⁶ [ICO: Children and the UK GDPR: What are the rules about ISS and consent?](#)



- (a) *a systematic description of the envisaged processing operations and the purpose of the processing, including, where applicable, the legitimate interest pursued by the controller;*
- (b) *an assessment of the necessity and proportionality of the processing operations in relation to the purposes;*
- (c) *an assessment of the risks to the rights and freedoms of data subjects referred to in [Article 35(1) UK GDPR]; and*
- (d) *the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this Regulation, taking into account the rights and legitimate interests of data subjects and other persons concerned.”*

107. Standard 2 of the Children’s Code provides further guidance on how to carry out a DPIA in relation to online services which are directed at or are likely to be accessed by children. The guidance is provided by reference to seven steps:

- a) identifying the need for a DPIA;
- b) describing the processing;
- c) considering consultation;
- d) assessing necessity and proportionality;
- e) identifying and assessing risks arising from the processing;
- f) identifying measures to mitigate the risks; and
- g) signing off, recording and integrating outcomes.⁹⁷

108. The Commissioner notes, in particular, the following points from that guidance:

⁹⁷ [ICO: Children’s Code: Standard 2: Data Protection Impact Assessments](#)



- a) The fact that a service is not aimed specifically at children does not mean that the obligation to carry out a DPIA does not apply. On the contrary, a DPIA should be carried out where an online service is “*likely to be accessed by children.*”⁹⁸
- b) The description of the processing should include an explanation of, among other things, whether the service is designed for children and, “*if not, whether children are nevertheless likely to access*” the service, as well as plans for establishing the age range of children using the service.

(b) Findings on Article 35 UK GDPR

109. Throughout the Relevant Period, MediaLab offered access to the Platform in the UK to children aged 13 and older and to children under 13 years old, albeit with a purported requirement for “*parental supervision*”.⁹⁹ It follows, that during the Relevant Period, MediaLab was offering ISS directly to children and the Platform was likely to have been accessed by children, as indicated by the estimated number of child users of the Platform set out at paragraph 62 above and in **Annex 2**.

110. Therefore, pursuant to Article 35(1) and (4) UK GDPR, read in conjunction with the list of processing activities which the Commissioner considers to be high-risk,¹⁰⁰ MediaLab was required to carry out a DPIA in relation to its processing of children’s personal data. MediaLab nonetheless did not complete a DPIA in relation to its processing of children’s personal data during the Relevant Period.

⁹⁸ The ICO’s [guidance on services covered by the Children’s Code](#) states that where the nature, content or presentation of your services makes you think that children will want to use it, then you should conform to the standards of the Code. In addition, where children form a substantive and identifiable user group in respect of an existing service, the “*likely to be accessed by children*” will apply.

⁹⁹ [Imgur Terms of Service](#) (accessed 6 August 2025)

¹⁰⁰ See paragraph 103 above.

- [REDACTED]
111. MediaLab initially informed the Commissioner that it did “*not believe a DPIA is in fact necessary for Imgur to complete given the type of information collected by the application. Imgur has not undertaken any new projects that are likely to involve a “high risk” to a user’s personal information. We are open to any guidance from the ICO if they believe this to be incorrect.*”¹⁰¹ However, in May 2025, MediaLab informed the Commissioner that it was in the process of carrying out a DPIA and expected to complete the process in the third quarter of 2025, stating that this was intended to “*better inform any necessary adjustments to the [Platform’s] data processing practices.*”¹⁰²
112. On 18 August 2025, MediaLab informed the Commissioner that it did not anticipate that a DPIA would be completed prior to the withdrawal of the Platform from the UK market¹⁰³ and the Commissioner was not provided with a copy of a DPIA in respect of the processing of personal data of users of the Platform under the age of 18 prior to MediaLab restricting access to the Platform from the UK on 30 September 2025.
113. On 29 October 2025, MediaLab provided the Commissioner with a copy of a DPIA alongside its Written Representations.¹⁰⁴ However, as stated in MediaLab’s Written Representations, this DPIA related to the “*geoblock decision, related risks, mitigation and residual risks*”¹⁰⁵ and not to the Relevant Processing. Therefore, the Commissioner does not consider that the completion of this DPIA is relevant to his findings regarding MediaLab’s failure to complete a DPIA in respect of and prior to commencing, the Relevant Processing.

¹⁰¹ Letter from MediaLab to the ICO, 15 October 2024

¹⁰² Letter from MediaLab to the ICO, 3 May 2025

¹⁰³ Email from MediaLab to the ICO, 18 August 2025

¹⁰⁴ Email from Kennedys LLP to the ICO, 29 October 2025: Exhibit C to MediaLab’s Written Representations

¹⁰⁵ MediaLab’s Written Representations, 29 October 2025: Section 1: paragraph 2.2(b)

114. Therefore, the Commissioner has concluded that throughout the Relevant Period, MediaLab failed to comply with its obligations under Article 35 UK GDPR.

115. The Commissioner notes that in its Written Representations, MediaLab accepted the Commissioner's provisional findings of infringement of Article 35(1) UK GDPR in the NOI, stating that: "*MediaLab accepts that, viewed objectively and by reference to the Commissioner's published criteria, the combination of (i) an ISS likely to be accessed by children, (ii) large-scale online processing/monitoring of a UGC platform, and (iii) children-specific risks, together met the threshold in Article 35(1) of the UK GDPR. A DPIA therefore should have been completed before processing any children's personal data.*"¹⁰⁶

116. The Commissioner also notes that in its Written Representations, MediaLab stated that, to the extent that it decides to relaunch the Platform in the UK, it will complete a child-focused DPIA in accordance with Article 35 UK GDPR and, in the event that any residual high risks are identified which cannot be mitigated, it will consult the Commissioner in accordance with Article 36 UK GDPR. MediaLab further stated that in such circumstances, it will not recommence the processing of UK data subjects' personal data in relation to the Platform until the consultation process has concluded.¹⁰⁷

V. DECISION TO IMPOSE A PENALTY

117. For the reasons set out below, the Commissioner has decided to impose a penalty of £247,590 on MediaLab in respect of the Infringements in accordance with section 155(1)(a) DPA 2018.

(1) Legal framework: penalty notices

118. Section 155(1)(a) DPA 2018 provides that if the Commissioner is satisfied that a person has failed, or is failing, as described in section

¹⁰⁶ MediaLab's Written Representations, 29 October 2025: Section 1: paragraph 2.1(b)

¹⁰⁷ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.1



149(2) DPA 2018, the Commissioner may, by written notice, require the person to pay to the Commissioner an amount in sterling specified in the notice.

119. When deciding whether to issue a penalty notice to a person, and when determining the appropriate amount of the penalty, in respect of matters to which the UK GDPR applies, section 155(2)(a) DPA 2018 requires the Commissioner to have regard to the matters listed in Article 83(1) and (2) UK GDPR, in so far as they are relevant in the circumstances of the case.
120. Article 83(1) UK GDPR requires any penalty imposed by the Commissioner to be effective, proportionate and dissuasive in each individual case.
121. Article 83(2) UK GDPR requires the Commissioner to have due regard to the following factors when determining whether to issue a penalty notice and the appropriate amount of any such penalty in each individual case:
 - a) the nature, gravity and duration of the infringement, taking into account the nature, scope, context and purpose of the processing concerned, as well as the number of data subjects affected and the level of damage suffered by them;
 - b) the intentional or negligent character of the infringement;
 - c) any action taken by the controller or processor to mitigate the damage suffered by data subjects;
 - d) the degree of responsibility of the controller or processor, taking into account technical and organisational measures implemented by them pursuant to Articles 25 and 32;
 - e) any relevant previous infringements by the controller or processor;
 - f) the degree of cooperation with the Commissioner in order to



remedy the infringement and mitigate the possible adverse effects of the infringement;

- g) the categories of personal data affected by the infringement;
- h) the manner in which the infringement became known to the Commissioner, in particular whether and, if so, to what extent the controller or processor notified the infringement;
- i) where measures referred to in Article 58(2) have previously been ordered against the controller or processor concerned with regard to the same subject-matter, compliance with those measures;
- j) adherence to approved codes of conduct pursuant to Article 40 or approved certification mechanisms pursuant to Article 42; and
- k) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement.

122. Section 157 DPA 2018 and Article 83 UK GDPR impose a statutory maximum on the penalty that may be applied to a given infringement. There are two levels of maximum penalty, depending on the statutory provision(s) that has/have been infringed. These are referred to as the “*standard maximum amount*” and the “*higher maximum amount*.” The cases in which the standard and higher maximum amounts apply are summarised at Annex 2 to the ICO’s *Data Protection Fining Guidance*, dated March 2024 (the “**Fining Guidance**”).¹⁰⁸

123. Paragraphs 124 – 191 below set out the Commissioner’s assessment of whether it is appropriate to issue a penalty in relation to the Infringements set out in **Section IV** above. This assessment

¹⁰⁸ [Data Protection Fining Guidance, Annex 2 | ICO](#)

involves consideration of the factors in Article 83(1) and (2) UK GDPR. The order in which these considerations are set out below follows the Fining Guidance:¹⁰⁹

- a) the seriousness of the infringement (Article 83(2)(a), (b) and (g) UK GDPR);
- b) relevant aggravating or mitigating factors (Article 83(2)(c)-(f) (h)-(k) UK GDPR); and
- c) effectiveness, proportionality and dissuasiveness (Article 83(1) UK GDPR).

(2) Seriousness of the Infringements

124. The Commissioner's assessment of the seriousness of any infringement includes consideration of:

- a) its nature, gravity and duration;
- b) whether it was intentional or negligent; and
- c) the categories of personal data affected.

The nature, gravity and duration of the Infringements (Article 83(2)(a) UK GDPR)


125. In assessing the seriousness of the Infringements, the Commissioner has given due regard to their nature, gravity and duration.

(a) Nature of the Infringements

126. The assessment of the nature of any infringement involves consideration of the relevant circumstances of the case and the specific provision(s) of the UK GDPR that has/have been infringed. Relevant circumstances include:

- a) whether the infringement prevented the provision concerned

¹⁰⁹ [Data Protection Fining Guidance | ICO](#)



from being applied effectively or prevented the objective it sought to protect from being fulfilled; and

- b) whether the infringement is subject to the standard maximum penalty or the higher maximum penalty (in relation to which, see paragraphs 195 and 196 below).

127. Taking those matters into account, the Commissioner notes that as set out at paragraphs 74 – 78 above, section 120B(e) DPA 2018, the UNCRC, the Children’s Code and Recital 38 UK GDPR state that children require specific protection with regard to the processing of their personal data. Compliance with the provisions MediaLab has been found to have infringed is necessary to ensure that:

- a) processing of children’s personal data is fair (Article 5(1)(a) UK GDPR);
- b) personal data relating to children is processed lawfully (i.e. only where an appropriate lawful basis applies), including by restricting reliance on the lawful basis of consent for children under 13 years old in relation to the offer of ISS directly to children (Article 6 and Article 8 UK GDPR); and
- c) children’s rights are afforded due consideration prior to high-risk processing (Article 35 UK GDPR).

128. The Commissioner finds that by failing to effectively comply with these provisions, MediaLab failed to ensure that children were afforded the protections provided by the UK GDPR. In particular, the Commissioner finds that as a result of the Infringements, and notwithstanding the content moderation measures implemented by MediaLab, children who used the Platform during the Relevant Period were, as a result of MediaLab processing their personal data, exposed to content which was potentially harmful to them and caused them to suffer, or placed them at risk of suffering, damage.

Examples of such content are set out in **Annex 3**.¹¹⁰

129. The Commissioner considers that the infringement of Article 8 UK GDPR is substantive and serious. The requirement for parental consent is not merely a technical requirement, but is fundamental to the protection of children under 13 years old online. This is because a child's online activities warrant parental oversight of the nature and quantity of personal data they share and the content they see on websites and apps, such as the Platform. Achieving this oversight requires effective compliance with Article 8 UK GDPR.

130. The Infringements include findings of infringement of Article 5(1)(a) and Article 6 UK GDPR, which require personal data to be processed lawfully. An infringement of either of these provisions is subject to the higher maximum statutory penalty,¹¹¹ which is indicative of a higher degree of seriousness.

(b) Gravity of the Infringements

131. When assessing the gravity of the Infringements, the Commissioner has considered the nature, scope and purposes of MediaLab's processing, as well as the number of data subjects affected and the level of any damage they have suffered.¹¹²

132. As to the nature of the processing, the Commissioner has regard to the fact that the Infringements involve high-risk¹¹³ processing of children's personal data.¹¹⁴

133. As to the scope of the processing and the number of data subjects affected:

a) The Lawful Basis Infringements relate to MediaLab's unlawful

¹¹⁰ As explained in the Fining Guidance (at footnote 57), in this context, the Commissioner uses the terms "damage" and "harm" interchangeably.

¹¹¹ Article 83(5)(a) UK GDPR and section 157(1)(a) DPA 2018

¹¹² Fining Guidance, paragraph 58

¹¹³ See paragraphs 102 - 104 above.

¹¹⁴ These are identified as relevant factors at paragraph 59 of the Fining Guidance.

[REDACTED]

processing of the personal data of children under 13 years old during the Relevant Period, with the Commissioner estimating that this affected between 46,265 and 95,971 children in this age range in the years 2021 – 2023.¹¹⁵

- b) The DPIA Infringement relates to MediaLab’s failure to conduct a DPIA in respect of its processing of children’s personal data in connection with the operation of the Platform, with the Commissioner estimating that this potentially affected between 70,538 and 181,166 children in the years 2021 – 2023.

134. As to the purpose of the processing, the Commissioner has had regard to the fact that processing of the personal data of children under 13 years old may not be part of MediaLab’s main business or commercial activities. Throughout the Relevant Period MediaLab permitted children under 13 years old in the UK to use the Platform, purportedly subject to the requirement for parental supervision, albeit that the Terms of Service state that the Platform “*is not meant for use by children under age 13.*”¹¹⁶ MediaLab nonetheless failed to comply with the UK GDPR in circumstances where the Commissioner considers that the Platform would have been likely to have been accessed by children and the Commissioner’s research indicates that the Platform was, in fact, accessed by children throughout the Relevant Period.¹¹⁷

135. The need for special protections in relation to children’s personal data is explained at paragraphs 74 – 78 above. The Infringements involved a failure to comply with provisions of the UK GDPR which, when properly implemented, would serve to provide those protections for children’s personal data. Consequently, in assessing

¹¹⁵ The Commissioner has not been able to produce estimates of the number of users of the Platform under 13 years old in 2024 and 2025 due to a lack of available statistics.

¹¹⁶ [Terms of Service – Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹¹⁷ See the Commissioner’s estimates of the number of children who used the Platform during the period between 2021 and 2023 in Annex 2.

[REDACTED]

the level of damage suffered, the Commissioner has had regard to the extent to which the Infringements affected children's rights and freedoms or otherwise led to them suffering, or being likely to suffer, damage.

136. The ICO's *Children's Code Strategy Progress Update – August 2024*¹¹⁸ states that:

“If platforms are unclear about or do not know the age of their users, they risk processing children's information inappropriately and unlawfully as if they were an older child or an adult. This could lead to a range of data protection harms, including:

- loss of control of personal information resulting from under 13-year-olds creating accounts on services designed for older children with limited awareness of the risks as to how their information may be used or of their information rights;*
- psychological harms from children accessing content they are too young to view, as a result of the platform processing inaccurate personal information; and*
- financial harms from engaging with in-app purchases or subscriptions without adequate parental oversight.*

137. In April and July 2025, the ICO undertook a review of the content available on the Platform, a summary of which can be seen at **Annex 3**. The research includes content of a sexual nature and content depicting serious violence or injury, which has factored into the Commissioner's consideration of seriousness in **Section V(2)** of this Notice. An advisory content warning is hereby given in respect of the contents of **Annex 3**.

138. MediaLab informed the Commissioner that users of the Platform are

¹¹⁸ [Children's Code Strategy progress update - August 2024 | ICO](#)

encouraged to adhere to its Community Rules.¹¹⁹ The Community Rules are accessible via a link which is presented to users during the account registration process and via a link on the footer on the website version of the Platform. Amongst other things, the Community Rules prohibit *"lascivious or sexualized posts," "hate speech, divisive content, and abusive content," "content depicting, condoning, making light of, or advocating illegal activity or violence,"* and *"vivid and realistic acts of violence and brutality."*¹²⁰

139. MediaLab also informed the Commissioner that during the Relevant Period it used: *"a mix of proactive media classification and proactive human review for content uploaded to our public gallery to mitigate the risk of mature content being uploaded and discoverable to users."* As part of this, all content that was uploaded to the Platform was reviewed to identify content which was "not safe for work" ("**NSFW**"), with any content exceeding acceptable thresholds being blocked from upload. Content deemed safe by MediaLab's proactive classification measures was subject to review by human moderators, with this review taking place before the content appeared publicly, or within 30 minutes of its submission. Content which was deemed to violate MediaLab's policies was moderated, including marking the content as mature where appropriate.¹²¹

140. MediaLab stated that *"content deemed inappropriate (including content containing misinformation) may be reported by users, which will be reviewed by a moderator and removed from public view if deemed necessary."* Users of the Platform were also requested to mark content which is mature as such to ensure that such content *"will only be viewable to those who have opted-in to viewing mature content. Content that is mature in nature, but was*

¹¹⁹ [Rules — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹²⁰ [Rules — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹²¹ Letter from MediaLab to the ICO, 21 February 2025

[REDACTED]

not tagged as such on upload, may be flagged, reviewed by Trust & Safety moderators, and marked accordingly."¹²² According to the Community Rules, "Mature content may include, but is not limited to, suggestive, inflammatory, unsettling, or provocative jokes, stories, tags, audio and visual content. This may include, but is not limited to, content containing: mild violence, medical work, injuries or blood; scantily-clad women or men; content that antagonizes or directly agitates a group of people; content that makes an average person squeamish or disgusted; non-explicit content discussing sexual experiences or fetishes; content posted to sexualize or ogle; [and] any content intended for a mature audience."¹²³ In addition the Community Rules state that "no sexually explicit or abusive content, as defined by our community rules, is allowed on Imgur, even if it's marked as mature."¹²⁴

141. MediaLab informed the Commissioner that, on average, approximately [REDACTED] posts on the Platform were marked as mature each month following proactive or reactive (i.e. following user reporting) moderation, accounting for approximately [REDACTED] % of all public posts on the Platform.¹²⁵

142. During the Relevant Period, MediaLab also reviewed uploads to the Platform against child sexual abuse material ("**CSAM**") specific hash lists and classification tools, with any suspected CSAM blocked from upload and automatically reported to the National Centre for Missing and Exploited Children.¹²⁶ In addition, if the user seeking to post the CSAM had an account on the Platform, their account was suspended and listed for human review. According to MediaLab, the

¹²² Letter from MediaLab to the ICO, 10 January 2025

¹²³ [Rules — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹²⁴ [Rules — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹²⁵ Letter from MediaLab to the ICO, 21 February 2025

¹²⁶ The National Centre for Missing and Exploited Children is a US-based private, non-profit corporation which works to help find missing children, reduce child sexual exploitation, and prevent child victimisation - [NCMEC: About Us](#).

monthly average number of posts removed from the Platform on the basis that they were deemed to violate its policies was [REDACTED], accounting for approximately [REDACTED]% of monthly posts. Content removed from the Platform following moderation was no longer accessible via the public feed and did not appear on a user's profile. However, it remained accessible via the direct URL.¹²⁷

143. As set out at paragraph 37 above, the Platform contains a "mature content" toggle which allows Logged-in Users to "enable mature content". Logged-In Users do not have to verify their age to turn on the mature content toggle. Users cannot turn on "mature content" on the iOS version of the Platform due to Apple's App Store requirements.
144. However, the analysis carried out by the ICO found that potentially harmful content was displayed on the Platform to both Logged-in Users and Guest Users, and when the mature content setting was toggled to both on and off.
145. In its Written Representations, MediaLab submitted that the measures in place on the Platform to prevent users from being exposed to potentially harmful content should be taken into account by the Commissioner as actions taken to mitigate the damage suffered by data subjects. In particular, MediaLab referred to the mature content toggle, the reporting and enforcement tools in place and moderation activities, as further described at paragraphs 138 – 143 above.¹²⁸
146. The Commissioner considered the content moderation measures in place on the Platform during the Relevant Period when reaching his provisional conclusions, as set out in the NOI and, after considering MediaLab's Written Representations, has concluded that it is not

¹²⁷ Letter from MediaLab to the ICO, 21 February 2025

¹²⁸ MediaLab's Written Representations, 29 October 2025: Section 1: paragraph 1.2(c)

[REDACTED]

necessary to adjust his assessment of the gravity of the Infringements.

147. As evidenced by the findings of the ICO's research set out in **Annex 3**, the Commissioner considers that the content moderation measures in place on the Platform throughout the Relevant Period did not prevent children using the Platform from seeing, or being likely to have seen, content that was potentially harmful to them, and having suffered, or being likely to have suffered damage as a result. The Commissioner also notes that such measures were not implemented for the specific purpose of limiting the content accessible to users of the Platform under 13 years old.

(c) Duration of the Infringements

148. As stated at paragraph 60 of the *Fining Guidance*, the longer the duration of an infringement the more weight the Commissioner is likely to attribute to this factor. This is because of the greater potential for harm to have occurred.

149. As stated at paragraph 11 and 65 above, the Commissioner finds that the Infringements commenced on 27 September 2021 (the date upon which MediaLab acquired Imgur, Inc.)¹²⁹ and ended on 30 September 2025, when MediaLab implemented a geo-block to prevent UK-based users from accessing the Platform.¹³⁰

The intentional or negligent character of the Infringements (Article 83(2)(b) UK GDPR)

150. Where there is evidence of intent on the part of a controller, the Commissioner may regard the infringement as particularly serious. An infringement is committed intentionally where the evidence shows the controller knew its conduct was likely to constitute an

¹²⁹ [Celebrating Imgur's Next Chapter - Imgur](#) (accessed 24 July 2025) and letter from MediaLab to the ICO dated 23 July 2025

¹³⁰ [Imgur access in the United Kingdom – imgur](#) (accessed 20 October 2025)

[REDACTED]

infringement of the UK GDPR or DPA 2018, but it either deliberately continued with the conduct or was indifferent as to whether it infringed the UK GDPR or DPA 2018.

151. An infringement is committed negligently where the controller or processor breached the duty of care required by law.¹³¹ When assessing negligence, the Commissioner will take into account all the relevant evidence about whether the controller or processor breached the duty of care required by law. This requires taking into account the individual circumstances of each case in order to establish the controller or processor's liability.¹³²
152. Negligent infringements may still be serious, and the *Fining Guidance* is clear that the Commissioner may decide to issue a penalty notice in cases where a controller or processor is found to have acted negligently.¹³³
153. The Commissioner finds that the Infringements were committed negligently. In reaching his finding regarding MediaLab's negligence, the Commissioner has considered the following matters:
 - a) Pursuant to Article 24(1) and (2) UK GDPR, controllers are responsible for implementing appropriate technical and organisational measures to enable and allow them to demonstrate that processing is performed in accordance with the UK GDPR, including through the implementation of appropriate data protection policies. It follows that MediaLab was responsible for ensuring that Platform users' personal data was processed in a lawful manner (Article 5(1)(a) UK GDPR) and for implementing appropriate technical and organisational (age assurance) measures (Article 25(1) UK GDPR) to meet

¹³¹ Fining Guidance, paragraph 66

¹³² Fining Guidance, paragraph 67

¹³³ Fining Guidance, paragraph 63

[REDACTED]

the requirements of the UK GDPR, specifically Article 8.

- b) Throughout the Relevant Period, MediaLab permitted children in the UK between the ages of 13 and 17 to use the Platform. Whilst the Terms of Service state that the Platform “*is not meant for use by children under age 13,*” MediaLab did not place any practical restrictions on children under 13 years old accessing the Platform, stating only that parents of children under 13 years old should only allow their child to use the Platform under their supervision.¹³⁴ However, MediaLab did not have any measures in place to enforce this purported requirement for parental supervision of children’s use of the Platform. Therefore, MediaLab should have considered what measures were required to prevent children under 13 years old accessing the Platform without parental supervision and ensure that MediaLab was not processing their personal data unlawfully by failing to take reasonable steps to obtain and verify that consent to such processing was provided or authorised by the holders of parental responsibility of users of the Platform under 13 years old.
- c) The Commissioner first informed MediaLab of his concerns regarding its compliance with Article 5(1), Article 6 and Article 8 UK GDPR, as well as Standards 1 and 3 of the Children’s Code, due to the absence of assurance measures on the Platform in August 2024.¹³⁵ The Commissioner also requested a copy of MediaLab’s DPIA in relation to age assurance and account creation on the Platform in the Information Notice issued to MediaLab on 15 October 2024.
- d) Despite that, MediaLab decided not to implement specific measures to safeguard children’s rights and did not carry out

¹³⁴ [Terms of Service — Imgur: The magic of the Internet](#) (accessed 6 August 2025)

¹³⁵ Letter from the ICO to MediaLab, 21 August 2024

[REDACTED]

a DPIA to assess potential risks to the interests, rights and freedoms of children using the Platform as a result of the Relevant Processing and to identify mitigations. Whilst MediaLab provided the Commissioner with a DPIA alongside its Written Representations,¹³⁶ this related solely to “*the decision to withdraw from the UK market, the specific risks arising from the geoblock (including transparency and data subject rights frictions) and the mitigations adopted*”¹³⁷ and not to the Relevant Processing of personal data relating to children in the UK who used the Platform throughout the Relevant Period.

154. In light of the above, the Commissioner finds that the Infringements are of a negligent character.

Categories of personal data affected by the Infringements (Article 83(2)(g) UK GDPR)

155. The categories of personal data affected by the infringement are relevant to the assessment of its seriousness. In particular, special category data (Article 9 UK GDPR), personal data relating to criminal convictions and offences (Article 10 UK GDPR) and personal data falling within the definitions of “sensitive processing” in Part 3 and Part 4 DPA 2018 deserve special protection, and the Commissioner is likely to consider infringements involving the processing of such data as being particularly serious.¹³⁸ Other categories of personal data in relation to which infringements are likely to be more serious include location data, private communications, passport or driving licence details, and financial data.¹³⁹


156. The categories of personal data affected by the Infringements are

¹³⁶ MediaLab’s Written Representations, 29 October 2025: Exhibit C1

¹³⁷ MediaLab’s Written Representations, 29 October 2025: Section 2: paragraph 1.3

¹³⁸ Fining Guidance, paragraphs 70-71

¹³⁹ Fining Guidance, paragraph 72



set out at paragraphs 42 and 44 above and vary according to whether or not the Platform was accessed by a Logged-in User or a Guest User. The Commissioner notes that the analysis carried out by the ICO, as set out in **Annex 2**, indicates that the majority of children in the UK who accessed the Platform during the Relevant Period were Guest Users, meaning that, in respect of the majority of child users, MediaLab would not have processed the additional categories of personal data set out in paragraph 44.

157. The Commissioner has not seen any evidence to conclusively indicate that MediaLab processed special category data relating to users of the Platform and notes that in its Written Representations, MediaLab averred that *“it did not collect, create, infer, classify, profile or use special-category data within the meaning of Article 9 of the UK GDPR. While user-generated content may, in principle, contain material that could reveal such attributes, any such material was posted at the user’s own initiative and hosted on a content-agnostic basis, and was not processed for the purpose of revealing or using those attributes.”*¹⁴⁰

Conclusion on the seriousness of the Infringements

158. Having considered the nature, gravity and duration of the Lawful Basis Infringements, as well as their negligent nature and the categories of personal data affected, the Commissioner has categorised the Lawful Basis Infringements as having a **medium** degree of seriousness. In reaching this finding, the Commissioner has taken into account the following factors:

- a) the importance of providing a high level of protection to children’s personal data, as set out in Recital 38 of the UK GDPR and Standard 1 of the Children’s Code;
- b) the absence of any age assurance measures on the Platform at

¹⁴⁰ MediaLab’s Written Representations, 29 October 2025: Section 1: paragraph 1.2(h)



- the point of account creation or in order to access the Platform;
- c) the number of UK children under 13 years old who accessed the Platform during the Relevant Period, estimated to be 95,971 in 2023;
 - d) the fact that MediaLab was negligent in failing to implement appropriate age assurance measures, despite MediaLab allowing children under 13 years old to access the Platform with parental supervision;
 - e) the risk of children under 13 years old being exposed to content that was potentially harmful to them (for example, content of a sexual nature) and for this content to have caused them to suffer damage, as a consequence of the Relevant Processing;
 - f) MediaLab's failure to implement appropriate age assurance measures to prevent children under 13 years old accessing the Platform without obtaining and verifying consent to the processing of their personal data by the holders of parental responsibility for such users; and
 - g) the processing of the personal data of children under 13 years old without a lawful basis, infringes one of the fundamental data protection principles (Article 5(1)(a) UK GDPR). The Commissioner's *Guide to the data protection principles*¹⁴¹ states that "*The principles lie at the heart of the UK GDPR... compliance with the spirit of these principles is therefore a fundamental building block for good data protection practice.*"¹⁴² Furthermore, the Commissioner's guidance on *Children and the UK GDPR* states that "*fairness and compliance with the data protection principles should lie at the heart of all your processing of children's personal data. The purpose of*

¹⁴¹ [A guide to the data protection principles | ICO](#)

¹⁴² [A guide to the data protection principles | ICO](#)

these principles is to protect the interests of the individuals and this is particularly important where children are concerned."¹⁴³

159. In addition, the Commissioner has categorised the DPIA Infringement as having a **medium** degree of seriousness. In reaching this finding, the Commissioner has taken into account the following factors:

- a) a DPIA is a highly important assessment designed to assist controllers to systematically analyse, identify and minimise data protection risks. As such, DPIAs are an essential part of a controller's accountability obligations. DPIAs must be carried out prior to the commencement of processing where a type of processing is likely to result in a high risk to the rights and freedoms of individuals. However, MediaLab engaged in high-risk processing throughout the Relevant Period without undertaking a DPIA in relation to the Relevant Processing;
- b) the failure to carry out a DPIA is rendered more serious by the number of children under 13 years old who accessed the Platform throughout the Relevant Period (estimated to be 95,971 in 2023), as well as the fact that children between the ages of 13 and 17 are likely to have accessed the Platform and seen content that was potentially harmful to children as a consequence of MediaLab processing their personal data; and
- c) the Terms of Service permit children to access the Platform (subject to a stated requirement for parental supervision for children under 13 years old). Therefore, MediaLab knew, or ought to have known, that it was engaging in high-risk processing activities, as it intended to offer online services directly to children, and was consequently required to carry out a DPIA before the processing commenced, pursuant to Article

¹⁴³ [What should our general approach to processing children's personal data be? | ICO](#)

35(1) UK GDPR.

(3) Relevant aggravating or mitigating factors

Action taken to mitigate the damage suffered by the data subjects (Article 83(2)(c) UK GDPR)

160. When deciding whether to impose a penalty notice, the Commissioner will have regard to any action taken by the controller or processor to mitigate the damage suffered by data subjects following the infringement. The Commissioner is more likely to take into account measures implemented prior to the controller or processor becoming aware of the Commissioner's investigation as a mitigating factor. Measures that are only implemented after the start of the Commissioner's investigation are less likely to be regarded as a mitigating factor.¹⁴⁴
161. The Commissioner finds that MediaLab did not implement appropriate measures to mitigate the damage suffered by data subjects as a result of the Infringements prior to the commencement of the Investigation.
162. On 3 May 2025, MediaLab informed the Commissioner that it was *"assessing the implementation of age assurance measures based on known or potential risks associated with the [Platform], costs of implementation and its potential economic impact and user experience. Additionally, due to the disparity in users who engage with the [Platform] logged-out vs. those who engage with the [Platform] logged-in, further investigation must be conducted to determine the feasibility of an age assurance measure that is proportionate to the processing activities. This assessment and associated internal discussions, are ongoing."*¹⁴⁵
163. On the same date, MediaLab also informed the Commissioner that

¹⁴⁴ Fining Guidance, paragraph 77

¹⁴⁵ Letter from MediaLab to the ICO, 3 May 2025

[REDACTED]

it was in the process of carrying out a DPIA, with a proposed completion date in the third quarter of 2025. MediaLab stated that whilst it previously *“did not believe that our data processing reached the level of “high risk” processing... we are planning to complete a DPIA in order to better inform any necessary adjustments to the [Platform’s] data processing practices.”*¹⁴⁶

164. However, on 18 August 2025, MediaLab informed the Commissioner that it was *“no longer investigating age assurance in relation to the UK market due to the associated costs and the timing of our exit”* and that *“given the expedited timeline for the withdrawing [the Platform] from the UK market, we do not anticipate the DPIA being completed prior to our exit.”*¹⁴⁷

165. In its Written Representations, MediaLab set out details of the measures it submitted should be considered to mitigate the Infringements, including:

- a) implementing a UK geo-block to prevent UK-located users from accessing the Platform, which MediaLab claims materially reduced the ongoing risk to UK users and limits any continuing UK processing to narrow, lawful purposes;¹⁴⁸
- b) notwithstanding the implementation of the UK geo-block, publishing and maintaining access to a UK-specific privacy notice and maintaining a non-login route for UK data subjects to exercise their personal data rights;¹⁴⁹ and
- c) the deletion of personal data relating to UK users in accordance with MediaLab’s retention policy, or, where continued retention is necessary, holding such personal data on a beyond use basis for strictly limited purposes, such as compliance with legal

¹⁴⁶ Letter from MediaLab to the ICO, 3 May 2025

¹⁴⁷ Email from MediaLab to the ICO, 18 August 2025

¹⁴⁸ MediaLab’s Written Representations, 29 October 2025: Section 2: paragraph 1.1

¹⁴⁹ MediaLab’s Written Representations, 29 October 2025: Section 2: paragraph 1.2

[REDACTED]

obligations, or the establishment, exercise or defence of legal claims.¹⁵⁰

166. However, the Commissioner does not consider that these measures effectively mitigated the damage which children in the UK who used the Platform during the Relevant Period suffered, or were at risk of suffering, as a result of the Infringements committed by MediaLab.

167. The implementation of the UK geo-block means that the Relevant Processing is no longer ongoing, but does not have any impact on the damage which this caused, or may have caused, to children using the Platform prior to the geo-block's implementation. The Commissioner also considers that MediaLab's publication of a UK-specific privacy policy which remains accessible despite the wider UK geo-block, the creation of mechanisms by which UK data subjects may exercise their personal data rights, and the deletion of UK data subjects' personal data, unless otherwise necessary, does not mitigate the damage, or potential damage, caused as a result of the Infringements. Such measures are no more than is necessary in order for MediaLab to comply with its obligations under the UK GDPR¹⁵¹ in its continuing capacity as a controller of the personal data it collected from UK data subjects who used the Platform during the Relevant Period. Therefore, the Commissioner finds that the measures set out at paragraph 165 above do not constitute actions taken by MediaLab to mitigate the damage suffered by children in the UK who used the Platform during the Relevant Period.

168. In its Written Representations, MediaLab also set out details of the remedial measures that it proposes to implement should a decision be taken to restore access to the Platform in the UK, with a

¹⁵⁰ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 1.3

¹⁵¹ including but not limited to the obligations imposed on controllers under Article 5(1) and (e), Article 12, Article 13, Article 15, and Article 17 UK GDPR.



commitment that this process would be completed prior to any resumption of the processing of personal data of users in the UK.

169. The remedial measures outlined in MediaLab's Written Representations included:

- a) completing a child-focused, Children's Code-informed DPIA which would include an assessment of the risks to children under 13 years old, those aged 13-15 and those aged 16-17, with a commitment to engage with the Commissioner in accordance with Article 36 UK GDPR in the event any identified high risks could not be mitigated;¹⁵²
- b) relaunching either an 18+ version of the Platform accompanied by third-party age assurance checks, or a mixed-age UK version of the Platform with measures in place to obtain verifiable parental consent for users under 13 years old;¹⁵³
- c) a UK-specific privacy policy, with teen-layered notices, just-in-time prompts, an easy reset of privacy choices and concise, intelligible, child-appropriate transparency information;¹⁵⁴
- d) updated records of processing activities, data processing agreements, ongoing monitoring to verify that its remediation measures and controls operate effectively and the maintenance of a change log to evidence compliance;¹⁵⁵ and
- e) the appointment of a senior executive as the accountable individual responsible for children's risk compliance.¹⁵⁶

170. MediaLab submitted that its commitment to implement the measures set out above should be treated as a mitigating factor. However, whilst the Commissioner welcomes the fact that MediaLab


¹⁵² MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.1

¹⁵³ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.2

¹⁵⁴ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.5

¹⁵⁵ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.6

¹⁵⁶ MediaLab's Written Representations, 29 October 2025: Section 2: paragraph 2.6



plans to take these measures should it decide to restore access to the Platform in the UK, he notes that these measures were not implemented during the Relevant Period and considers that they are intended to prevent the re-occurrence of the Infringements in the event that access to the Platform is restored for UK users and therefore would not have the effect of retrospectively mitigating the damage suffered by children in the UK who used the Platform during the Relevant Period.

The degree of responsibility of the controller or processor (Article 83(2)(d) UK GDPR)

171. When deciding whether to impose a penalty notice, the Commissioner will also have regard to the degree of responsibility of the controller or processor, taking into account technical and organisational measures implemented by them pursuant to, among other things, Article 25 UK GDPR.¹⁵⁷ Controllers and processors are required and expected to take responsibility for complying with their obligations under the UK GDPR.¹⁵⁸ In assessing this factor, the Commissioner will consider how far the controller or processor did what it could be expected to do in terms of implementing technical and organisational measures, taking into account:

- a) its size and resources; and
- b) the nature and purpose of the processing.¹⁵⁹

172. The Commissioner has concluded that, throughout the Relevant Period, MediaLab was wholly responsible for implementing and, when taking into account its size and resources (as to which see paragraphs 201 and 202 below), could reasonably have been expected to have implemented, sufficient measures to ensure that

¹⁵⁷ Fining Guidance, paragraph 78

¹⁵⁸ Fining Guidance, paragraph 79

¹⁵⁹ Fining Guidance, paragraph 79

[REDACTED]

it processed the personal data of children who used the Platform in a lawful manner.

173. The Commissioner has had regard to these matters and considers that they do not change his overall decision on whether it is appropriate to impose a penalty notice and in what amount.

Any relevant previous infringements by the controller or processor (Article 83(2)(e) UK GDPR)

174. The Commissioner is not aware of any relevant previous infringement of the UK GDPR or DPA 2018 having been committed by MediaLab. Therefore, this factor is not relevant to the Commissioner's decision.

Degree of cooperation with the Commissioner (Article 83(2)(f) UK GDPR)

175. Pursuant to Article 31 UK GDPR, controllers and processors are required to cooperate with the Commissioner in the performance of his tasks. The Commissioner's tasks include the monitoring and enforcement of the UK GDPR¹⁶⁰ and the conduct of investigations into the application of the UK GDPR.¹⁶¹ Paragraph 87 of the *Fining Guidance* explains that such cooperation may include, for example, responding to requests for information and attending meetings.

176. The Commissioner considers that a controller or processor's compliance with its ordinary duty of cooperation under Article 31 UK GDPR should not be treated as a mitigating factor.¹⁶² However, the Commissioner may nonetheless consider it appropriate to have regard to cooperation by a controller or processor as a mitigating factor where that controller or processor has exceeded its ordinary duty of cooperation by responding to requests during an

¹⁶⁰ Article 57(1)(a) UK GDPR and section 115(2)(a) DPA 2018

¹⁶¹ Article 57(1)(h) UK GDPR and section 115(2)(a) DPA 2018

¹⁶² *Fining Guidance*, paragraph 87



investigation in a way that:

- a) enables the enforcement process to be concluded significantly more quickly or effectively; or
- b) significantly limits the harmful consequences for people's rights and freedoms that might otherwise have occurred.¹⁶³

177. MediaLab responded to informal requests for information during the Investigation and attended a virtual meeting with representatives of the Commissioner (at MediaLab's request) on 16 April 2025. In doing so, the Commissioner's view is that MediaLab has cooperated with the Investigation.

178. Whilst in its Written Representations, MediaLab averred that its cooperation with the Investigation should be treated as a mitigating factor,¹⁶⁴ the Commissioner considers that MediaLab's level of cooperation did not go beyond that which is reasonably expected of any controller or processor in such circumstances. Therefore, the Commissioner finds that this should be treated as a neutral, rather than a mitigating, factor.


The manner in which the Infringements became known to the Commissioner (Article 82(2)(h) UK GDPR)

179. When deciding whether a penalty is appropriate, the Commissioner will have regard to the manner in which the infringement became known to him, in particular, whether the controller or processor notified the Commissioner of the infringement.¹⁶⁵ The Commissioner may view a controller or processor bringing an infringement to the Commissioner's attention of its own volition as a mitigating factor in circumstances where the Commissioner was

¹⁶³ Fining Guidance, paragraph 88

¹⁶⁴ MediaLab's Written Representations, 29 October 2025: Section 1: paragraph 1.2(j) and Section 2: paragraph 1.5

¹⁶⁵ Fining Guidance, paragraph 90



not already aware of the infringement.¹⁶⁶ Unless the infringement was self-reported, the way in which the Commissioner finds out about it, for example, following a complaint, media coverage, or through the Commissioner's own intelligence, will generally be considered to be a neutral factor.¹⁶⁷

180. The Infringements became known to the Commissioner due to an investigation into MediaLab (and other organisations) as part of the Commissioner's work to assess compliance with the Children's Code. Therefore, the Commissioner finds that the manner in which the Infringements became known to the Commissioner should be treated as a neutral factor.

Measures previously ordered against the controller or processor (Article 83(2)(i) UK GDPR)

181. The Commissioner has not previously imposed measures referred to in Article 58(2) UK GDPR on MediaLab. Therefore, this factor is not relevant to the Commissioner's findings.

Adherence to approved codes of conduct or certification mechanisms (Article 83(2)(j) UK GDPR)

182. There are no relevant codes of conduct or approved certification mechanisms in this case. Therefore, this factor is not relevant to the Commissioner's findings.

Any other applicable aggravating or mitigating factors (Article 83(2)(k) UK GDPR)

183. Pursuant to Article 83(2)(k) UK GDPR, when considering whether to impose a penalty and when determining the level of any penalty, the Commissioner is required to consider any other aggravating or mitigating factors applicable in the circumstances of the case, such

¹⁶⁶ Fining Guidance, paragraph 91

¹⁶⁷ Fining Guidance, paragraph 93

[REDACTED]

as financial benefits gained or losses avoided, directly or indirectly, from the infringement.


184. The Commissioner has considered whether MediaLab benefitted financially from its failure to implement appropriate technical and organisational measures to ensure that it did not process the personal data of users of the Platform under 13 years old unlawfully. It is likely that MediaLab has seen some financial gain as a result of increased traffic on the Platform generated by users under 13 years old. However, the Commissioner does not consider that any such benefits, if present, are likely to have been sufficiently significant to treat this as a relevant aggravating factor in this case.
185. The Commissioner does not consider that there are any other relevant aggravating or mitigating factors.

(4) Effectiveness, proportionality and dissuasiveness

186. When considering whether to issue a penalty notice and, if so, for what amount, the Commissioner will consider whether it would be:
- a) effective, in the sense of achieving the objective of ensuring compliance with data protection legislation or providing an appropriate sanction for the infringement, or both;
 - b) proportionate, in the sense that the penalty should not exceed what is appropriate and necessary in the circumstances to meet those objectives; and
 - c) dissuasive, meaning that imposing a fine should be a genuine deterrent to future non-compliance.¹⁶⁸
187. In making the decision, the Commissioner will first consider whether issuing a penalty notice is effective and dissuasive, before then considering whether it is proportionate to do so.¹⁶⁹

¹⁶⁸ Fining Guidance, paragraph 103

¹⁶⁹ Fining Guidance, paragraph 104



188. The Commissioner finds that the imposition of a penalty would, in the circumstances of this case, be an effective means of ensuring compliance with the UK GDPR, sanctioning the Infringements and would also be dissuasive against future non-compliance. The Commissioner has considered both the need to deter MediaLab from infringing the same, or other provisions, of the UK GDPR in the event that it restores access to the Platform in the UK, and the need to deter other organisations which operate ISS which are likely to be accessed by children, as well as controllers and processors in general, from committing similar infringements of the UK GDPR.

189. The Commissioner also finds that a penalty would be a proportionate regulatory response and would not exceed what may be considered appropriate and necessary in all the circumstances of the case, including in particular:

- a) the seriousness of the Infringements;
- b) the number of data subjects affected;
- c) the degree of negligence demonstrated by MediaLab;
- d) the nature of the processing performed by MediaLab, specifically the processing of children's personal data; and
- e) the potential consequences of the unlawful processing of the personal data of users of the Platform under 13 years old.

190. In reaching his conclusion, the Commissioner has also had regard to the desirability of promoting economic growth, as required under section 108 of the Deregulation Act 2015 and the desirability of promoting innovation and competition, as required by section 120B(a) and (b) DPA 2018 respectively. However, the Commissioner is mindful that the desirability of promoting economic growth, innovation and competition does not legitimise non-compliance with data protection law. Furthermore, non-compliant activity or

behaviour harms the interests of legitimate businesses that are working to comply with data protection law, which disrupts competition and acts as a disincentive to invest in compliance.¹⁷⁰

(5) The Commissioner's conclusion on whether to impose a penalty

191. For the reasons set out above, the Commissioner has decided to impose a penalty on MediaLab in respect of the Infringements.

VI. CALCULATION OF THE PENALTY

192. The process the Commissioner follows in deciding the appropriate amount of any penalty which may be imposed in an individual case is described in the Fining Guidance, which sets out a five-step penalty setting mechanism:¹⁷¹

- a) Step 1: An assessment of the seriousness of the infringement to determine an appropriate starting point for the penalty.
- b) Step 2: Accounting for the turnover of the undertaking when assessing the starting point for the penalty based on the outcomes of Steps 1 and 2.
- c) Step 3: Calculating the starting point for the penalty based on the outcomes of Steps 1 and 2.
- d) Step 4: Adjusting the starting point for the penalty based on any relevant aggravating or mitigating factors.
- e) Step 5: Adjusting the penalty to ensure that it is effective, proportionate and dissuasive, whilst not exceeding the relevant statutory maximum.

193. In carrying out the assessment, the Commissioner is mindful that the aim of Steps 1 to 4 is to identify a penalty amount that is effective, proportionate and dissuasive, and the purpose of Step 5 is to provide

¹⁷⁰ Fining Guidance, paragraph 105

¹⁷¹ Fining Guidance, paragraph 106

[REDACTED]

the opportunity to ensure that the overall result achieves this aim. The assessment of the appropriate level of the penalty is not a mechanistic exercise. It involves evaluation and judgement, taking into account all the relevant circumstances of the case.¹⁷²

(1) Statutory Maximum Penalty

194. The Commissioner finds that MediaLab infringed Article 5(1)(a), Article 6, Article 8 and Article 35(1) UK GDPR.
195. An infringement of Article 5(1)(a) or Article 6 UK GDPR is subject to a maximum statutory penalty of £17.5 million or, in the case of an undertaking, 4% of the worldwide turnover in the preceding financial year (whichever is higher).¹⁷³
196. An infringement of Article 8 or Article 35(1) UK GDPR is subject to the standard statutory maximum penalty of £8.7 million, or, in the case of an undertaking, 2% of the worldwide turnover in the preceding financial year (whichever is higher).¹⁷⁴
197. Pursuant to Article 83(3) UK GDPR, if a controller or processor infringes several provisions of the UK GDPR in the course of the same or linked processing operations, the total amount of any penalty imposed cannot exceed the maximum statutory penalty specified for the gravest infringement.¹⁷⁵
198. The Commissioner has determined that MediaLab infringed Article 5(1)(a), Article 6, and Article 8 UK GDPR (the Lawful Basis Infringements) and Article 35 UK GDPR (the DPIA Infringement). Despite the findings of infringement of several Articles of the UK GDPR, the Commissioner considers that the Infringements arise from the same or linked processing operations.¹⁷⁶ Therefore, pursuant to Article 83(3)


¹⁷² Fining Guidance, paragraph 107

¹⁷³ Article 83(5)(a) UK GDPR and section 157(1)(a) DPA 2018

¹⁷⁴ Article 83(4)(a) UK GDPR and section 157(1)(a) DPA 2018

¹⁷⁵ Fining Guidance, paragraph 33

¹⁷⁶ Fining Guidance, paragraph 40



UK GDPR, the overall fine that can be imposed by the Commissioner cannot exceed the maximum statutory amount that applies to the gravest of the individual infringements identified (as set out in Articles 83(4) and 83(5) UK GDPR). In this case, the higher maximum amount applies to infringements of Article 5(1)(a) and Article 6 UK GDPR, meaning that the maximum statutory amount of the fine that may be imposed on MediaLab is £17.5 million or 4% of worldwide turnover (whichever is higher).¹⁷⁷

199. As explained in the Fining Guidance, in such cases, the Commissioner may decide to impose a fine for each infringement arising from the same or linked processing operations, provided that the sum of those penalties does not exceed the applicable statutory maximum.¹⁷⁸ In the present case, the Commissioner has made a decision to impose separate fines for (i) the Lawful Basis Infringements and (ii) the DPIA Infringement. This is because certain aspects of the DPIA Infringement and the Lawful Basis Infringements are different, such as the ages of children whose personal data was impacted by each of the Infringements. The sum of the two fines cannot exceed the higher maximum amount.

200. As stated above, in the case of an undertaking, the higher statutory maximum penalty is either £17.5 million, or 4% of the undertaking's total worldwide annual turnover in the preceding financial year, whichever is greater. The Fining Guidance explains the concept of an undertaking for the purpose of imposing a penalty at paragraphs 23-31. In particular, paragraphs 28 – 30 of the Fining Guidance state:

"In this context, an undertaking does not correspond to the commonly understood notion of a legal entity or company under, for example, English commercial or tax law. Instead, an undertaking may comprise

¹⁷⁷ Fining Guidance, paragraph 41

¹⁷⁸ Fining Guidance, paragraph 42.

[REDACTED]

one or more legal or natural persons forming a 'single economic unit,' rather than a single entity characterised as having legal personality.

Whether or not an individual controller or processor forms part of a wider undertaking depends on whether it can act autonomously or whether another legal or natural person, for example, a parent company, exercises decisive influence over it.

Where a parent company owns all, or nearly all, the voting shares in a subsidiary, there is a presumption that the parent company exercises decisive influence over the subsidiary's conduct. This presumption may be rebutted. However, the burden is on the parent company to provide sufficient evidence to demonstrate that the subsidiary acts independently."¹⁷⁹

201. The relevant controller responsible for the Infringements in respect of UK data subjects is MediaLab (as defined in paragraph in 1). [REDACTED]

[REDACTED].¹⁸⁰

[REDACTED] 100% share ownership of MediaLab invokes the rebuttable presumption that it exercises decisive influence and control over the operations of MediaLab and should therefore be treated as the relevant undertaking in the case, with its global annual turnover for the preceding financial year used for the purposes of calculating the starting point for the penalty.¹⁸¹ However, as [REDACTED]

[REDACTED]

¹⁷⁹ The approach set out in the Fining Guidance is consistent with the decision of the CJEU in Case C-383/23, *ILVA A/S* (ECLI:EU:C:2025:84) (13 February 2025), in which the Court held that when assessing the amount of the administrative fine to be issued to a subsidiary within the Lars Larsen Group, the group in its entirety was the relevant undertaking and the maximum statutory fine had to be calculated on the basis of the group's total worldwide annual turnover in the preceding financial year. Whilst decisions of the CJEU are no longer binding as a matter of UK law following the UK's departure from the European Union, pursuant to section 6(2) of the European Union (Withdrawal) Act 2018, UK courts and tribunals may have regard to decisions of the CJEU issued after 31 December 2020 insofar as they are relevant to any matter before them.

¹⁸⁰ Letter from MediaLab to the ICO, 23 July 2025

¹⁸¹ Fining Guidance, paragraph 30

[REDACTED]

[REDACTED],¹⁸² no financial statements relating to [REDACTED] are available as of the date of this Notice. Furthermore, the Commissioner understands that [REDACTED] revenue is generated exclusively through the operations of MediaLab and its subsidiaries. Therefore, the Commissioner has calculated the maximum penalty based on the global annual turnover of MediaLab.

202. MediaLab is a private company and does not publish consolidated financial statements or an annual report. On 5 May 2025, MediaLab provided the Commissioner with a summary of the company’s turnover and balance sheet for the year ending 31 December 2024. On 29 October 2025, MediaLab provided the Commissioner with updated financial information alongside its Written Representations. The updated financial information indicates that [REDACTED]

[REDACTED]

203. Paragraph 123 of the *Fining Guidance* states that “[t]he Commissioner may adjust the turnover figure used to ensure that it accurately reflects the true scale of the undertaking (for example, by using more recent management accounts or forecast figures where available.)” The Commissioner considers that it is appropriate to exercise this discretion in this case and has used the updated financial information provided alongside MediaLab’s Written Representations to calculate the starting

¹⁸² Letter from MediaLab to the ICO, 23 July 2025

¹⁸³ MediaLab’s Written Representations, 29 October 2025: Section 3: paragraph 2.2

[REDACTED]

point for the penalty on the basis of MediaLab’s projected annual turnover for the year ending 31 December 2025 of \$ [REDACTED]¹⁸⁴ (approximately £ [REDACTED]).¹⁸⁵

204. 4% of £ [REDACTED], MediaLab’s projected total worldwide turnover for the year ending 31 December 2025, is £ [REDACTED]. As this is lower than the higher statutory maximum penalty set out in Article 83(5)(a) UK GDPR, the relevant statutory maximum for the Lawful Basis Infringements is £17.5 million.

205. 2% of £ [REDACTED] is £ [REDACTED]. As this is lower than the standard statutory maximum penalty set out in Article 83(4)(a) UK GDPR, the relevant statutory maximum for the DPIA Infringement is £8.7 million.

206. The Commissioner notes that when calculating the total penalty for the Infringements, the total figure cannot exceed the higher maximum statutory penalty of £17.5 million.¹⁸⁶

(2) Step 1: Assessment of the seriousness of the Infringements


207. As set out in paragraphs 109 to 115 of the Fining Guidance, the Commissioner determines a starting point for a penalty by first assessing the seriousness of the infringement. The Commissioner’s assessment of the seriousness of the Infringements is set out at **Section V(2)** above.

208. As stated at paragraph 158 above, the Commissioner has concluded that the Lawful Basis Infringements have a **medium** degree of seriousness. For infringements that are categorised as being of a medium degree of seriousness, the Commissioner uses 10% to 20% of

¹⁸⁴ This has been calculated by dividing MediaLab’s reported revenue for the nine months to 30 September 2025 by nine and multiplying by 12.

¹⁸⁵ This has been calculated using the average of the GBP/USD exchange rates on the first and last trading days of the 2025 period covered by MediaLab’s updated financial information (2 January 2025 and 30 September 2025) to convert MediaLab’s USD-denominated turnover into a GBP figure. The exchange rates used are available at [GBP Exchange Rates: Bank of England: Database](#)

¹⁸⁶ Article 83(3) UK GDPR and Article 83(5)(a) UK GDPR



the relevant legal maximum as the starting point.¹⁸⁷ As set out at paragraph 195 above, the relevant legal maximum is £17.5 million. The Commissioner has, after taking into account all the circumstances and the reasons given in **Section V(2)** relating to seriousness, concluded that the Lawful Basis Infringements warrant a starting point of 15%.

209. As stated at paragraph 159 above, the Commissioner has concluded that the DPIA Infringement is of a **medium** degree of seriousness. For infringements that have a medium degree of seriousness, the Commissioner uses 10% to 20% of the relevant legal maximum as the starting point. As set out at paragraph 196 above, the relevant legal maximum is £8.7 million. The Commissioner has, after taking into account all of the circumstances and the reasons given above in **Section V(2)**, concluded that the DPIA Infringement warrants a starting point of 15%.

(3) Step 2: Accounting for turnover

210. Having assessed the seriousness of the Infringements, the Commissioner has then considered whether any adjustments are required to account for turnover, as set out in paragraphs 116 to 129 of the *Fining Guidance*. This step permits the Commissioner to adjust the starting point to reflect the size of the undertaking. This approach aids the Commissioner in ensuring that the penalty figure is effective, proportionate and dissuasive.¹⁸⁸

211. As set out in paragraph 128 of the *Fining Guidance*, “*the Commissioner is likely to choose a higher amount for undertakings with higher turnover within the applicable range. However, these ranges are only indicative. The Commissioner will reach a decision on a case-by-case basis as to whether it is appropriate to adjust the starting point of the fine in this way, having regard to the need for the fine to be effective,*

¹⁸⁷ Fining Guidance, paragraph 110

¹⁸⁸ As required by Article 83(1) UK GDPR.

[REDACTED]

proportionate and dissuasive. Therefore, the Commissioner retains the discretion to impose a fine up to the applicable statutory maximum.”

212. In this case, because MediaLab’s projected annual turnover for the year ending 31 December 2025 was between £[REDACTED] million and £[REDACTED] million, a starting point of between [REDACTED]% and [REDACTED]% of the statutory maximum is appropriate.¹⁸⁹ MediaLab’s projected turnover in the year ending 31 December 2025 [REDACTED]

213. Therefore, after also taking into account the factors that led to the assessment of medium seriousness, the Commissioner has concluded that:

- a) in respect of the Lawful Basis Infringements, a starting point of 7% of the applicable maximum statutory penalty is appropriate; and
- b) in respect of the DPIA Infringement, a starting point of 7% of the applicable statutory maximum penalty is appropriate.

214. The Commissioner has concluded that there are no extraneous factors which require a higher starting point to be applied in respect of either the Lawful Basis Infringements or the DPIA Infringement when taking into account the turnover adjustment at Step 2 in order to ensure that the penalty is effective, proportionate and dissuasive.

(4) Step 3: Calculation of the starting point

215. The starting point for the penalty in this case has been calculated as follows:

Lawful Basis Infringements

Statutory maximum amount (£17.5 million) x Adjustment for seriousness (15%) x Turnover adjustment (7%) = **£183,750**

¹⁸⁹ Fining Guidance: Table B: Ranges for adjustment based on the turnover of the undertaking

DPIA Infringement

Statutory maximum amount (£8.7 million) x Adjustment for seriousness (15%) x Turnover adjustment (7%) = **£91,350**

Total Starting Point

Therefore, the total starting point for the Infringements is **£275,100**.


(5) Step 4: Adjustment to take into account any aggravating of mitigating factors

216. The Commissioner has considered whether there are any aggravating or mitigating factors which may warrant an increase or decrease in the penalty calculated at the end of Step 3.

217. The examination of whether there are any aggravating or mitigating factors present in this case is set out at paragraphs 160 – 185 above. In summary:

a) MediaLab failed to implement measures to mitigate the damage suffered, or which may be suffered, by children using the Platform prior to the issuance of this Notice. Therefore, the Commissioner has concluded that the matters set out at i) – iv) below should not be treated as aggravating or mitigating factors:

i) Throughout the Relevant Period MediaLab maintained: the Community Rules, which purported to set out the content and activity which was acceptable on the Platform; proactive and reactive moderation systems for content uploaded to the Platform which blocked content deemed to violate MediaLab's policies from appearing on public feeds on the Platform; and a mature content toggle which enabled some users (depending on the operating system of their device where the Platform was accessed via an app) to choose whether or not to view content marked as mature. However, the Commissioner considers that these measures were not effective in preventing children using




the Platform from being exposed to content which was potentially harmful and as a result of which they were likely to have suffered, or have been at risk of suffering, damage (see paragraphs 138 – 147).

- ii) During the course of the investigation, MediaLab informed the Commissioner that it was in the processing of carrying out a DPIA,¹⁹⁰ but later stated that it did not anticipate that the DPIA would be completed prior to the withdrawal of the Platform from the UK.¹⁹¹ Furthermore, the DPIA provided to the Commissioner alongside its Written Representations related to the withdrawal of the Platform from the UK and not the Relevant Processing (see paragraphs 111 – 113).
- iii) MediaLab’s implementation of the UK geo-block merely brought the Relevant Processing to an end and did not mitigate the damage it caused, or may potentially have caused, to children who used the Platform during the Relevant Period. Meanwhile, MediaLab’s maintenance of a privacy notice that remains accessible in the UK despite the implementation of the geo-block, the availability of mechanisms to allow UK data subjects to exercise their personal data rights and the deletion of UK users’ personal data in accordance with MediaLab’s retention schedules (with the exception of where retention is necessary and lawful) are merely steps which are necessary in order for MediaLab to comply with its ongoing obligations under the UK GDPR (see paragraphs 165 – 167).
- iv) MediaLab’s commitment in its Written Representations to implementing measures intended to address the Infringements prior to and in the event of a decision to restore access to the Platform in the UK, did not mitigate the seriousness nor the


¹⁹⁰ Letter from MediaLab to the ICO, 3 May 2025

¹⁹¹ Email from MediaLab to the ICO, 18 August 2025



actual or potential harmful consequences of the Infringements which occurred prior to 30 September 2025 (see paragraphs 168 – 170).

- b) MediaLab is wholly responsible for the Infringements. However, although the Commissioner considers that the Infringements occurred despite (i) MediaLab’s knowledge that children were likely to be using the Platform; and (ii) the fact that MediaLab can reasonably have been expected to implement measures to ensure that it did not process the personal data of children under 13 years old unlawfully, the Commissioner has concluded that these matters have been adequately reflected in the assessment of seriousness. Therefore, the Commissioner has concluded that this potentially aggravating factor does not warrant an increase in the amount of the penalty (see paragraphs 171 – 173 above).
- c) The Commissioner is not aware of any previous infringements of the UK GDPR by MediaLab; nor has he previously imposed any measures referred to in Article 58(2) UK GDPR on MediaLab. Therefore, these factors are not relevant to the Commissioner’s findings (see paragraphs 174 and 181 above).
- d) MediaLab has cooperated with the Commissioner to the extent required by Article 31 UK GDPR, which, in accordance with paragraph 87 of the Fining Guidance, has been treated as a neutral factor (see paragraphs 175 – 178 above).
- e) The Infringements became known to the Commissioner through the ICO’s proactive engagement with organisations following the introduction of the Children’s Code. The Commissioner considers this is a neutral factor in the assessment (see paragraphs 179 – 180 above).

- 
- f) There are no relevant codes of conduct or approved certification mechanisms in this case. Therefore, this factor is not relevant to the Commissioner's findings (see paragraph 182 above).
 - g) There are no other relevant aggravating or mitigating factors in the case (see paragraphs 183 – 185 above).

218. In light of the above, the Commissioner finds that no adjustment should be made to take account of aggravating or mitigating factors.

(6) Step 5: Adjustment to ensure the penalty is effective, proportionate and dissuasive

219. As set out in paragraph 142 of the Fining Guidance, *“The aim of Steps 1 to 4 of the calculation is to identify a fine that is effective, proportionate and dissuasive. The purpose of Step 5 is to provide the opportunity to check that is the case. It allows the Commissioner to increase or decrease the penalty as necessary, having regard to all the relevant circumstances of each individual case.”*

220. When reaching a decision as to whether a fine is effective, proportionate and dissuasive, the Commissioner will have regard to all the relevant circumstances of each individual case. This includes:

- a) the seriousness of the infringement;
- b) any aggravating or mitigating factors;
- c) the controller or processor's size and financial position; and
- d) the need for effective deterrence.¹⁹²

221. The Commissioner considers that a penalty of £183,750 for the Lawful Basis Infringement and £91,350 for the DPIA Infringement would exceed what is necessary in order to constitute effective, proportionate and dissuasive responses to the Infringements when taking into account:

¹⁹² Fining Guidance, paragraph 147



- a) the fact that the Relevant Processing is no longer ongoing following the implementation of the UK geo-block on 30 September 2025;
- b) MediaLab's acceptance of the Commissioner's provisional findings in the NOI in respect of its liability for the Infringements; and
- c) MediaLab's commitment in its Written Representations that it would only lift the UK geo-block and resume the processing of UK users' personal data after taking remedial steps to address the Infringements.

222. The Commissioner considers that the factors set out at paragraph 221 above are significant. These factors mean that the Infringements are no longer ongoing, and are indicative of MediaLab's recognition that it infringed the UK GDPR and its commitment to avoid a repetition of such infringements in the event that it restores access to the Platform in the UK. The Commissioner considers that these factors are relevant both to the level of specific deterrence required in this case and the proportionality of the penalty.

223. Therefore, the Commissioner considers that it is appropriate to apply a 10% reduction to the penalties calculated at the end of Step 4 of the *Fining Guidance*, producing a total aggregate penalty of £247,590, comprised of:

- a) £165,375 in relation to the Lawful Basis Infringements; and
- b) £82,215 in relation to the DPIA Infringements.

224. The Commissioner finds that these penalties represent an appropriate, but not excessive, response to the Infringements and would achieve the objective of promoting MediaLab's future compliance with the UK GDPR and DPA 2018.

225. The Commissioner also considers that the penalties would have a genuine deterrent effect, as they would be sufficient to deter MediaLab

[REDACTED]

against committing infringements of the UK GDPR and / or the DPA 2018 in the future.

226. The Commissioner also considers that the penalties would reinforce the importance of controllers' and processors' obligations regarding the protection of children's rights and freedoms in relation to the processing of their personal data, including by ensuring that risks to those rights and freedoms are identified, assessed and mitigated by carrying out a DPIA, where necessary, before processing begins. The penalties would also provide general deterrence by demonstrating that there are serious consequences for controllers and processors which fail to comply with their obligations in respect of the processing of children's personal data.
227. Furthermore, the Commissioner considers that the penalties are proportionate when taking into account:
- a) the specific protection which must be given to children in respect of the processing of their personal data;¹⁹³
 - b) the negligent nature of MediaLab's failure to comply with its obligations under Article 5(1)(a), Article 6, Article 8 and Article 35(1) UK GDPR; and
 - c) the number of children who used the Platform and the potential for those children, particularly those under 13 years old, to have suffered damage as a result of being exposed to potentially harmful content and MediaLab's failure to identify, assess and mitigate such risks prior to commencing the Relevant Processing.
228. The Commissioner also considers that the calculation of the penalties by reference to MediaLab's projected annual turnover for the year ending 31 December 2025 ensures that they are proportionate when assessed against the company's current financial position. In particular, the use of the projected annual turnover for the year ending 31

¹⁹³ Recital 38 UK GDPR

December 2025 reflects the [REDACTED] referred to in its Written Representations. The aggregated penalty represents approximately [REDACTED] % of MediaLab's projected turnover for the year ending 31 December 2025 and does not exceed what the Commissioner considers to be appropriate and necessary in the circumstances of the case in order to reflect the seriousness of the Infringements, nor does it exceed the applicable statutory maximum amounts.

229. Finally, when exercising his discretion to decide the appropriate amount of a penalty¹⁹⁴, the Commissioner is mindful of the fact that the setting of a penalty is not a mechanistic assessment, but one of evaluation and judgement.¹⁹⁵ In all the circumstances of this case, the Commissioner is satisfied that the penalties are effective, proportionate and dissuasive, do not exceed the applicable statutory maximum amounts, and that no further adjustments are necessary.

(7) Conclusion - Penalty

230. For the reasons set out above, the Commissioner has decided to impose a penalty on MediaLab in the amount of **£247,590**, comprised of:

- a) **£165,375** in respect of the Lawful Basis Infringements; and
- b) **£82,215** in respect of the DPIA Infringement.

VII. FINANCIAL HARDSHIP

231. The *Fining Guidance* outlines that, in exceptional circumstances, the Commissioner may reduce a penalty where an organisation is unable to pay due to its financial position.

232. Despite MediaLab's Written Representations referring to [REDACTED] "[REDACTED]",¹⁹⁶ no further detail was provided in

¹⁹⁴ See *Doorstep Dispensaree Limited v The Information Commissioner* [2024] EWCA Civ 1515 at [57]

¹⁹⁵ *Fining Guidance*, paragraph 143.

¹⁹⁶ MediaLab's Written Representations, 29 October 2025: Executive Summary: paragraph 1.7

support of this submission and the financial information provided in support of the Written Representations lacked narrative or notes

233. Therefore, the Commissioner does not consider that MediaLab's Written Representations nor the updated financial information accompanying them demonstrate that the imposition of a penalty of the amount set out at paragraph 230 above would irretrievably jeopardise the economic viability of the company. The Commissioner finds that the [REDACTED] has been adequately and appropriately reflected through the use of its projected annual turnover for the year ending 31 December 2025 for the purposes of accounting for turnover at Step 2 of the penalty calculation (see paragraphs 210 – 214 above).
234. In addition, and in accordance with paragraph 153 of the *Fining Guidance*, the Commissioner will consider any representations MediaLab may wish to make regarding an agreement which would provide additional time to pay the penalty and/ or allow for payment in instalments.

VIII. PAYMENT OF THE PENALTY

235. The penalty must be paid to the ICO by BACS transfer or cheque by 5 March 2026 or in accordance with the terms of any agreed payment plan.
236. Pursuant to paragraph 9(1) of Schedule 16 to the DPA 2018, the Commissioner cannot take action to recover a penalty unless:
- a) the period specified in this Penalty Notice (i.e. by 5 March 2026) has ended;
 - b) any appeals against this Penalty Notice have been decided or otherwise ended;



- c) if this Penalty Notice has been varied, any appeals against the penalty variation notice have been decided or otherwise ended; and
- d) the period for MediaLab to appeal this Penalty Notice, and any variation of it, has ended.

237. Under paragraph 9(2) of Schedule 16 to the DPA 2018, in England and Wales, the Commissioner is able to enforce the payment of the penalty. The penalty is recoverable:

- a) if the County Court so orders, as if it were payable under an order of that court; or
- b) if the High Court so orders, as if it were payable under an order of that court.

IX. RIGHTS OF APPEAL

238. By virtue of section 162 DPA 2018, MediaLab may appeal to the First-tier Tribunal (General Regulatory Chamber) (Information Rights) against this Penalty Notice. MediaLab may appeal to the Tribunal against the amount of the penalty regardless of whether or not it appeals against this Penalty Notice.

239. Information about the appeals process is set out in **Annex 1** to this Penalty notice. Any notice of appeal should be sent or delivered to the Tribunal so that it is received within 28 days of the date of this Penalty Notice.

Dated 4 February 2026




Tim Capel

Interim Executive Director (Regulatory Supervision)
Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire
SK9 5AF



ANNEX 1
DATA PROTECTION ACT 2018 (PART 6, SECTION 162)
RIGHTS OF APPEAL

1. By virtue of section 162(1) DPA 2018, MediaLab may appeal to the Tribunal against this Penalty Notice. By virtue of section 162(3) DPA 2018, MediaLab may appeal to the Tribunal against the amount of the penalty specified in this Penalty Notice, regardless of whether or not MediaLab appeal against this Penalty Notice.
2. If MediaLab appeals and if the Tribunal considers:
 - a) that the notice or decision against which the appeal is brought is not in accordance with the law; or
 - b) to the extent that the notice or decision involved an exercise of discretion by the Commissioner, that the Commissioner ought to have exercised the discretion differently,the Tribunal must allow the appeal or substitute another notice or decision which the Commissioner could have given or made.
3. MediaLab may bring an appeal by sending notice of appeal to the Tribunal at:
grc@justice.gov.uk
or
**General Regulatory Chamber
HM Courts and Tribunals Service
PO Box 11230
Leicester
LE1 8FQ
UK
Telephone: 0300 123 4504**
4. The notice of appeal should be received by the Tribunal within 28 days of the date of this Penalty Notice (which is the date that this Penalty Notice was sent).

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5. If MediaLab's notice of appeal is late, the Tribunal will not accept it unless the Tribunal has extended the time for complying with this rule.
 6. The notice of appeal must include at least:
 - a) MediaLab's name and address;
 - b) the name and address of MediaLab's representative (if any);
 - c) an address where documents may be sent or delivered to MediaLab;
 - d) the name and address of the respondent (the Information Commissioner);
 - e) details of the decision to which the proceedings relate;
 - f) the result MediaLab is seeking;
 - g) the grounds on which MediaLab relies;
 - h) a full copy of this Penalty Notice; and
 - i) (if the notice of appeal is late) a request for an extension of time, giving the reason(s) why the notice of appeal is late and why the Tribunal should accept it.
 7. Before deciding whether or not to appeal, MediaLab may wish to consult its solicitor or another adviser. At the hearing of an appeal a party may conduct their case themselves, or may be represented by any person whom they may appoint for that purpose.
 8. The statutory provisions concerning appeals to the First-tier Tribunal (General Regulatory Chamber) are contained in sections 162 and 163 of, and Schedule 16 to, the DPA 2018 and The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules (Statutory Instrument 2009 No. 1976 (L.20)).



ANNEX 2
ESTIMATED IMGUR USERS AND ACCOUNT HOLDERS IN THE UK
AGED UNDER 13 AND 13 TO 17 YEARS OLD

(1) Introduction

1. This Annex provides analysis and estimates of the number of UK users of the Platform, including those who are registered (i.e. account holders), under 13 years old and between 13 and 17 years old.
2. The analysis has been produced by the ICO's Directorate of Economic Analysis within the context of the Commissioner's investigation into MediaLab and in order to inform our assessment of the potential scale of the processing of personal data of users of the Platform and account holders under 13 years old and between the ages of 13 to 17 years old by MediaLab. References to "we" and "our" in this Annex should be interpreted to mean the ICO's Directorate of Economic Analysis.
3. The relevant period of interest for this analysis is from September 2021, when MediaLab acquired Imgur, Inc.,¹⁹⁷ to 10 September 2025, the date upon which the Commissioner issued the NOI to MediaLab.
4. MediaLab, in its responses to enquiries from the Commissioner, stated that it *"does not collect user age information beyond acceptance of our terms that users must be over the age of 13 to use our service."*¹⁹⁸ As a result, MediaLab could not provide a breakdown of its UK users by age.
5. In the absence of evidence from MediaLab itself as to the number of children who use the Platform and are under 13 years old or between 13 and 17 years old, we have carried out our own analysis and produced estimates. In doing so, we have considered reports produced by Ofcom and figures compiled by the Office for National Statistics ("**ONS**") and

¹⁹⁷ [Celebrating Imgur's Next Chapter - Imgur](#) (accessed 24 July 2025) and letter from MediaLab to the ICO dated 23 July 2025.

¹⁹⁸ Letter from MediaLab to the ICO, 15 October 2024.



have applied a clear methodology in order to ensure the robustness of the results.

6. Although there is an inevitable degree of uncertainty around the numbers, the analysis shows that in the Relevant Period there were a considerable number of children in the UK under 13 years old and between the ages of 13 and 17 who used the Platform.
7. We estimate that the number of children under 13 years old who used the Platform during the period 2021 to 2023 ranged from approximately 46,000 to 96,000, whilst the estimated number of users of the Platform aged between 13 and 17 ranged from approximately 24,000 to 101,000 during the same period. We also estimate that the number of children under 13 years old who held an account on the Platform ranged from approximately 14,000 to 31,000 during the Relevant Period, whilst there were approximately 3,000 to 27,000 account holders aged between 13 and 17 during the Relevant Period.
8. These figures demonstrate that the number of estimated users of the Platform is higher than the estimated number of account holders, which is consistent with the fact that users can access the Platform without creating an account, a process which requires users to provide more of their personal data and complete the account set-up process.

(2) Methodology

(a) Data Sources

9. To ensure the robustness of our estimates, we have considered only data from publicly available sources, such as other regulators or research conducted by independent organisations that have either been peer reviewed or which provide the research methodology and explain any assumptions or limitations.
10. The Ofcom Children’s Media Literacy Tracker provides data from the Parents’ and Children’s Online Behaviours and Attitudes surveys. The



Ofcom Children’s Media Literacy Trackers for 2021,¹⁹⁹ 2022²⁰⁰ and 2023²⁰¹ provide data on the overall use of the Platform by children under the age of 18. Specifically, Table 30 of the report provides a summary of the percentage of children using different applications across all activities and uses, thereby providing a basis for estimates of the number of users of the Platform aged between 3 and 17.

11. The Ofcom reports also provide data about the Platform’s account holders by asking parents to list the applications and sites where they have set up a profile for their children or by asking the children if they have set up a profile using the following question: *“Below is a list of some of the apps/sites that you said earlier that your child uses. Some can be used by anyone, but others need a profile to be set up first. This may involve choosing a user name, password and a picture for the profile. Please click on those where you have set up a profile for your child/where you have your own profile.”*
12. The 2021, 2022 and 2023 Ofcom Children’s Media Literacy Tracker surveys used an online-only approach. We did not adjust our calculations for this because the study technical report notes that *“an online approach is appropriate as virtually all parents of 3 to 17 year olds are online.”*²⁰² We also note that our methodology excludes children who use applications on devices that are not their own (e.g. devices belonging to the friends) and in this sense, our estimates are conservative.

¹⁹⁹ See [Children's Media Literacy Survey 2021 Online Behaviours and Attitudes Wave 2 Data Tables](#) for 2021 accounts and user data.

²⁰⁰ See [Children's Media Literacy Tracker 2022 - Children's Online Behaviour and Attitudes Wave 2 Data Tables](#) for 2022 accounts and user data.

²⁰¹ See [Children's Media Literacy Tracker 2023 – Children's Online behaviour and Attitudes Data Tables](#) for 2023 accounts and user data.

²⁰² See [Children's Media Literacy Tracker 2022 - Technical Report \(all surveys\)](#).



(b) Estimation approach


- 13. In order to use the survey results to estimate the total number of users of the Platform and Platform account holders under 13 years old and between the ages of 13 and 17, information on the number of children in the UK, in total and for the age bands in question, during the Relevant Period was required. This data is available from the ONS and is shown in Table 1 below.



Table 1: ONS data on the number of children in the UK aged 3 to 17 in the period between 2021 and 2023

Age	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number of children at this age in the UK, 2023	734,023	749,283	758,470	776,432	799,371	793,617	798,031	817,504	839,089	840,153	829,602	823,939	831,564	800,948	788,039
Number of children at this age in the UK, 2022	733,702	743,637	762,152	786,039	780,620	785,811	805,862	828,047	830,155	820,386	814,796	822,157	790,339	772,612	770,906
Number of children at this age in the UK, 2021	732,469	751,206	774,709	769,990	775,405	795,554	818,289	822,479	810,230	806,827	813,580	781,717	765,536	764,087	759,416

Source: ONS, Series MYE2, available at: [Estimates of the population for the UK, England, Wales, Scotland, and Northern Ireland - Office for National Statistics](#).

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14. As explained in paragraphs 10 and 11 above, the Ofcom reports provide the percentages of children that use or have accounts on the Platform. To produce our estimates we therefore multiplied the percentages reported in the Ofcom reports for each of the age groups by the ONS UK population numbers for those age groups.
15. Where the percentage of respondents in the Ofcom reports was below 0.5%, Ofcom reported that this data point was “*close to zero*” using an asterisk (*). This means that some data was omitted in the reports and could lead to an underestimation of the number of users or account holders for certain age groups, particularly where all of the data points were marked with an asterisk. To account for this we have used the raw survey data reported by Ofcom²⁰³ to estimate what the percentages marked as an asterisk would have been. This was achieved by dividing the number of respondents reporting use of the Platform by the total number of respondents for the question. The estimated percentage (less than 0.5%) was then applied to the ONS UK population numbers in the same manner as the percentages provided in the Ofcom reports. We have indicated below where estimates have been produced using this methodology.

(3) User number estimates

(a) Children aged 3 - 12

16. Figure 1 and Table 2 below demonstrate the estimated number of users of the Platform between the ages of 3 and 12 during the period from 2021 to 2023.

²⁰³ The raw data tables are available on Ofcom’s website, see links in footnotes 176 to 178 above.

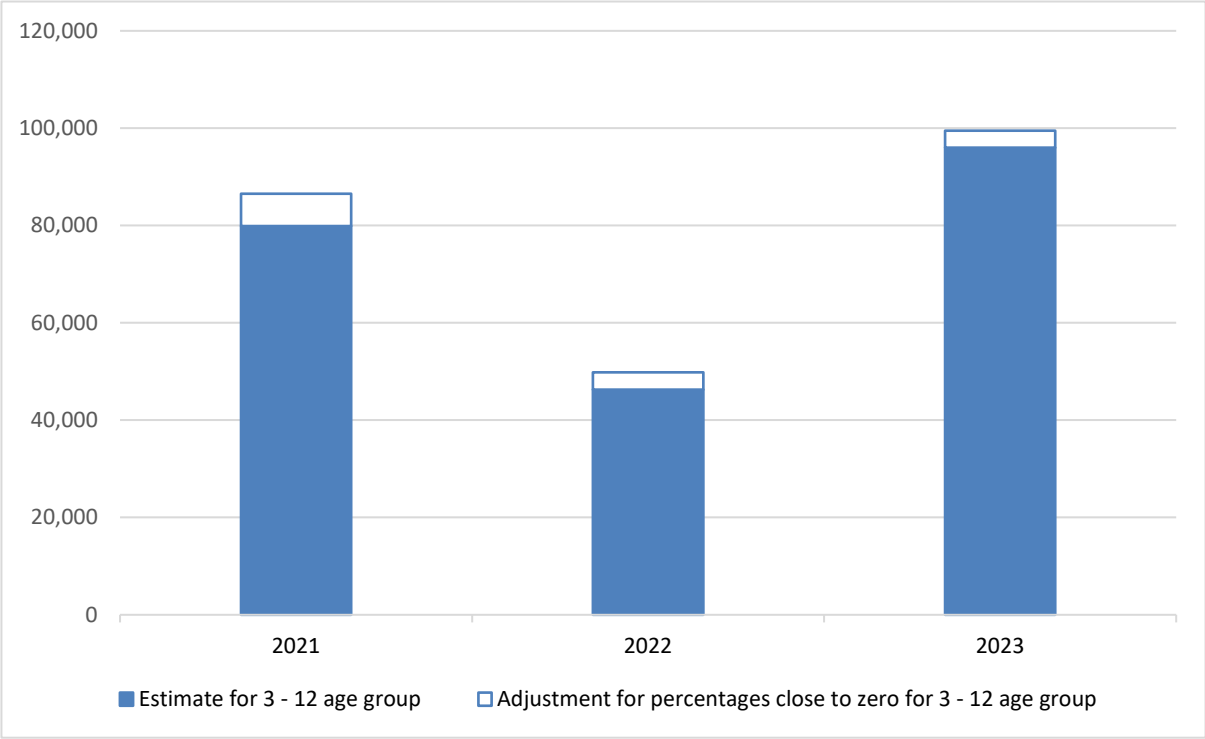
Table 2: Estimated number of users of the Platform between the ages of 3 and 12 during the period between 2021 and 2023

Age	3 to 12	3	4	5	6	7	8	9	10	11	12
Number of children at this age in the UK, 2023	7,905,973	734,023	749,283	758,470	776,432	799,371	793,617	798,031	817,504	839,089	840,153
Percentage who use Imgur, 2023	1%	*	*	2%	2%	2%	1%	1%	1%	1%	2%
Number who use Imgur, 2023	95,971	*	*	15,169	15,529	15,987	7,936	7,980	8,175	8,391	16,803
Number of children at this age in the UK, 2022	7,876,411	733,702	743,637	762,152	786,039	780,620	785,811	805,862	828,047	830,155	820,386
Percentage who use Imgur, 2022	1%	1%	1%	1%	1%	1%	*	*	*	*	1%
Number who use Imgur, 2022	46,265	7,337	7,436	7,622	7,860	7,806	*	*	*	*	8,204
Number of children at this age in the UK, 2021	7,857,158	732,469	751,206	774,709	769,990	775,405	795,554	818,289	822,479	810,230	806,827
Percentage who use Imgur, 2021	1%	*	*	1%	1%	1%	1%	1%	1%	1%	3%
Number who use Imgur, 2021	79,871	*	*	7,747	7,700	7,754	7,956	8,183	8,225	8,102	24,205

Sources: ICO calculations based on Ofcom and ONS data, as described in text above.



Figure 1: Estimated number of users of the Platform between the ages of 3 and 12 during the period between 2021 and 2023



Sources: ICO calculations based on Ofcom and ONS data, as described in text above.

17. As Table 2 and Figure 1 show, our estimates of user numbers fluctuated in the period between 2021 and 2023, ranging between approximately 46,000 in 2022 to 96,000 in 2023. Figure 1 also shows what the estimates would be if we included our estimates of the data missing from Table 2.

(b) Children aged 13 - 17

18. Table 3 and Figure 2 below show the corresponding estimates of number of users of the Platform between the ages of 13 and 17 during the period between 2021 and 2023.

Table 3: Estimated number of users of the Platform aged 13 – 17 during the period between 2021 and 2023

Age	13 to 17	13	14	15	16	17
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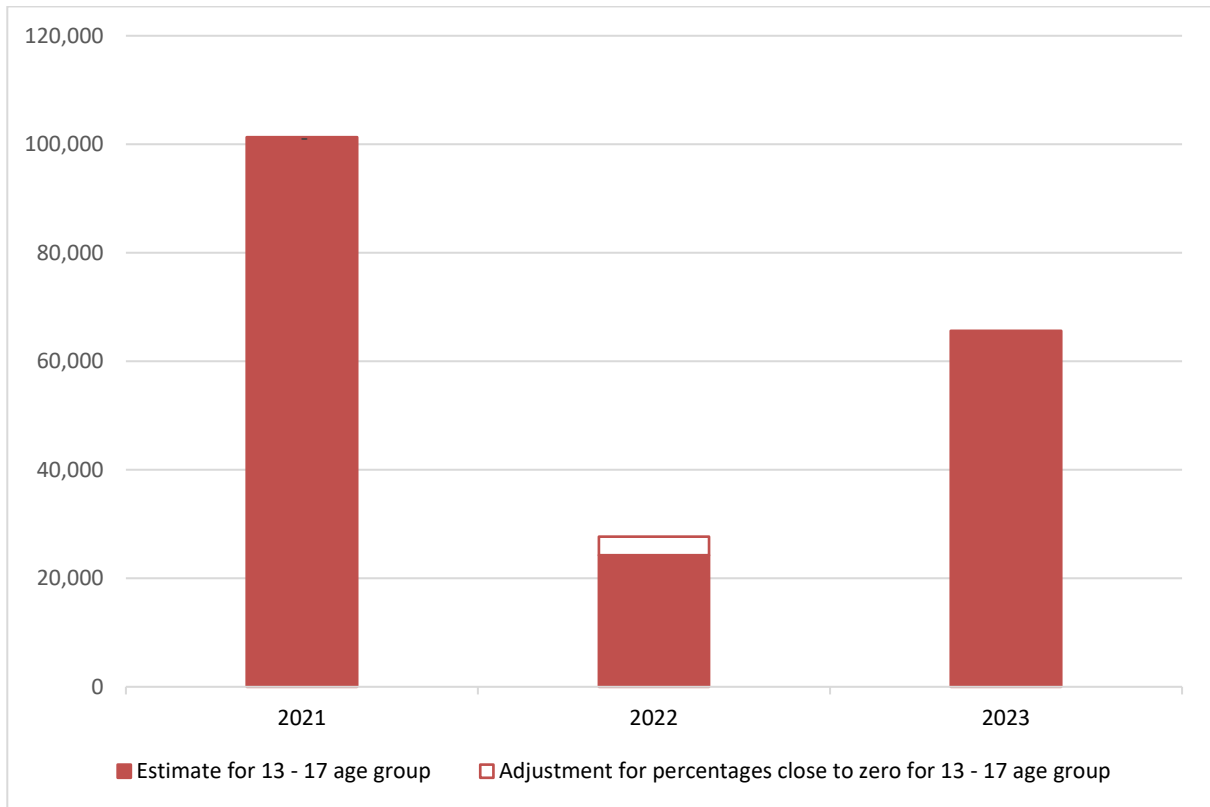


Number of children at this age in the UK, 2023	4,074,092	829,602	823,939	831,564	800,948	788,039
Percentage who use Imgur, 2023	2%	2%	2%	2%	1%	1%
Number who use Imgur, 2023	65,592	16,592	16,479	16,631	8,009	7,880
Number of children at this age in the UK, 2022	3,970,810	814,796	822,157	790,339	772,612	770,906
Percentage who use Imgur, 2022	1%	1%	1%	1%	*	*
Number who use Imgur, 2022	24,273	8,148	8,222	7,903	*	*
Number of children at this age in the UK, 2021	3,884,336	813,580	781,717	765,536	764,087	759,416
Percentage who use Imgur, 2021	3%	3%	3%	3%	2%	2%
Number who use Imgur, 2021	101,295	24,407	23,452	22,966	15,282	15,188

Source: ICO calculations based on Ofcom and ONS data, as described in text above.

19. These estimates are also shown in Figure 2 below, which again also shows what the estimates would be if we included our estimates of the data missing from Table 3.

Figure 2: Estimated number of users of the Platform aged 13 – 17 during the period between 2021 and 2023



Source: ICO calculations based on Ofcom and ONS data.

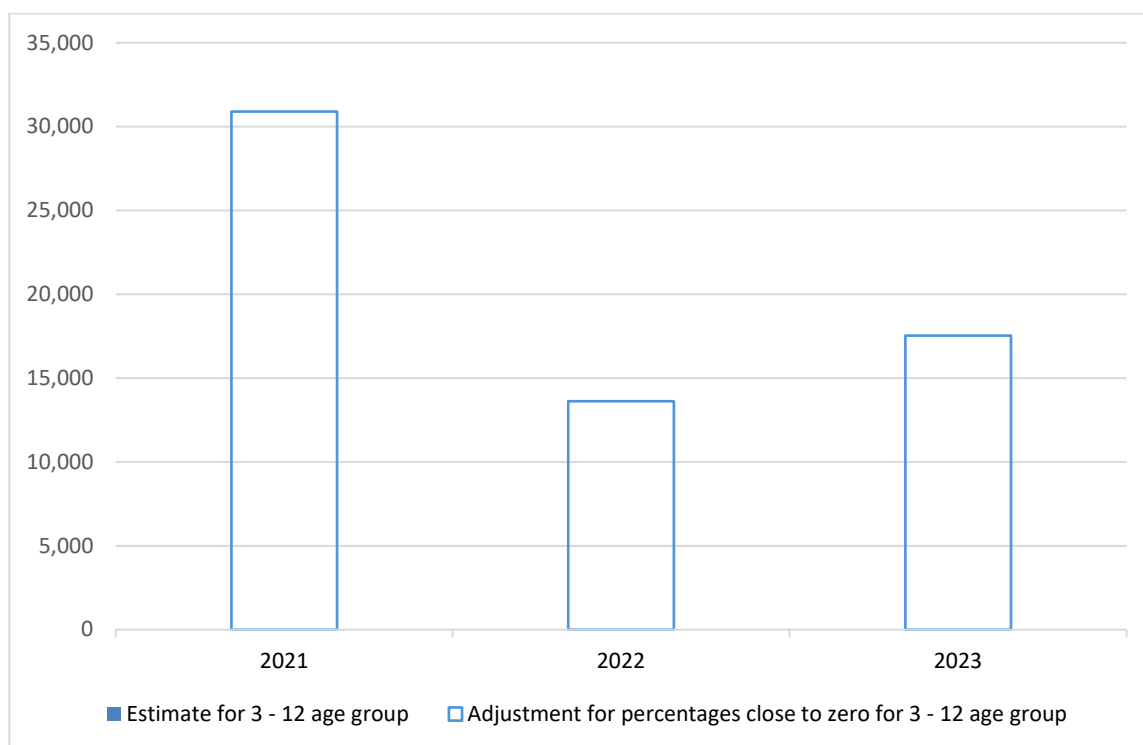
20. Accordingly, our estimates of numbers of users between the ages of 13 and 17 fluctuated in the period between 2021 and 2023, ranging from approximately 24,000 in 2022 to 101,000 in 2021.

(4) Account number estimates

(a) Children aged 3 - 12

21. For our estimates of the numbers of account holders, more of the data are noted in Ofcom’s reports as being “close to zero” than is the case for the user numbers explained above. In particular, all age groups between 3 to 12 years old are omitted in the reports. As a result of this, we have used the approach described in paragraph 15 above for all of these estimates, and these adjusted figures are used as our estimates of the numbers of account holders between 3 to 12 years old, as shown in Figure 3 below.

Figure 3: Adjusted estimated number of account holders on the Platform aged 3 to 12 during the period between 2021 and 2023



Source: ICO calculations based on Ofcom and ONS data.

22. Figure 3 shows that the estimated number of account holders aged between 3 and 12 during the period between 2021 and 2023 ranged from approximately 14,000 in 2022 to 31,000 in 2021.

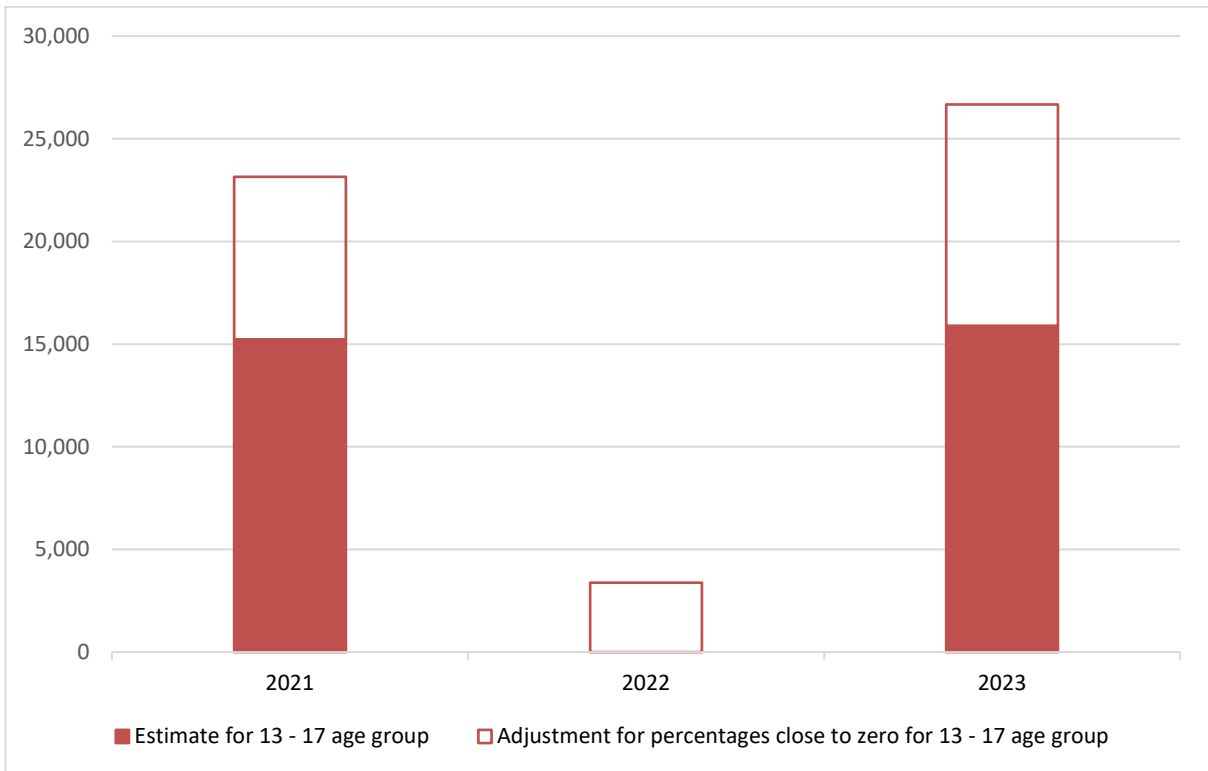
(b) Children aged 13 - 17

23. For account holders aged between 13 and 17 only some of the figures are omitted from its reports, so we are able to follow the same approach as that for the user numbers in Section 3 above. Figure 4 below shows the estimated number of children between the ages of 13 and 17 who held an account on the Platform in the period between 2021 and 2023.

Figure 4: Estimated number of account holders on the Platform between



the ages of 13 and 17 during the period between 2021 to 2023



Source: ICO calculations based on Ofcom and ONS data.

24. We estimate that the number of children aged between 13 and 17 who held an account on the Platform between 2021 and 2023 ranged from approximately 3,000 in 2022 to 27,000 in 2023. We note that for 2022 all age groups between 13 and 17 years old in 2022 were reported as “close to zero” (marked with an asterisk) in the Ofcom report.



ANNEX 3

HARM ASSESSMENTS

Content Warning

Please note that this document contains content of a sexual nature and content related to eating disorders. This content is considered to be potentially harmful to children and some adults might also find it upsetting.

(1) Introduction

1. The examples of content accessible on the Platform which are included below are taken from reviews completed by the Commissioner's Intelligence Department on 3 April 2025, 25 July 2025 and 28 July 2025.
2. The Intelligence Department's work was conducted on an iOS device and separately on an Android device, both on the app version of the Platform and via a web browser (Safari, in the case of the iOS device and Google Chrome, in the case of the Android device). Some content was viewed whilst logged-out of an account on the Platform and some content was viewed whilst logged-in to an account on the Platform.
3. The results set out in section 3 below indicate whether content was viewed whilst the user was logged into or out of an account on the Platform.
4. The Platform contains a "mature content" toggle which allows Logged-in Users to "enable mature content". Logged-In Users do not have to verify their age when changing their mature content settings. Users cannot turn on "mature content" on the iOS version of the Platform due to Apple's App Store requirements. If this is attempted, users of the iOS version of the Platform receive an error message when attempting to open the settings through the Platform's Help Centre.



(2) Overview of key findings

5. The Intelligence Department's research found that potentially harmful content was available on the Platform to both Logged-in Users and Guest Users and when the mature content setting was toggled on or off.
6. The potentially harmful content observed whilst accessing the Platform as Logged-in User included explicit language, depictions of serious violence or injury, antisemitic and discriminatory language and the expression of homophobic views.
7. Potentially harmful content displayed when accessing the Platform as a Guest User included content of a sexual nature, the depiction of serious violence or injury and content relating to eating disorders.

[REDACTED]

(3) Harm assessments: Examples of potentially harmful content

Figure 1 – Potentially harmful content relating to eating disorders

Operating System: iOS

App/Browser: App

Account Status: Logged-out

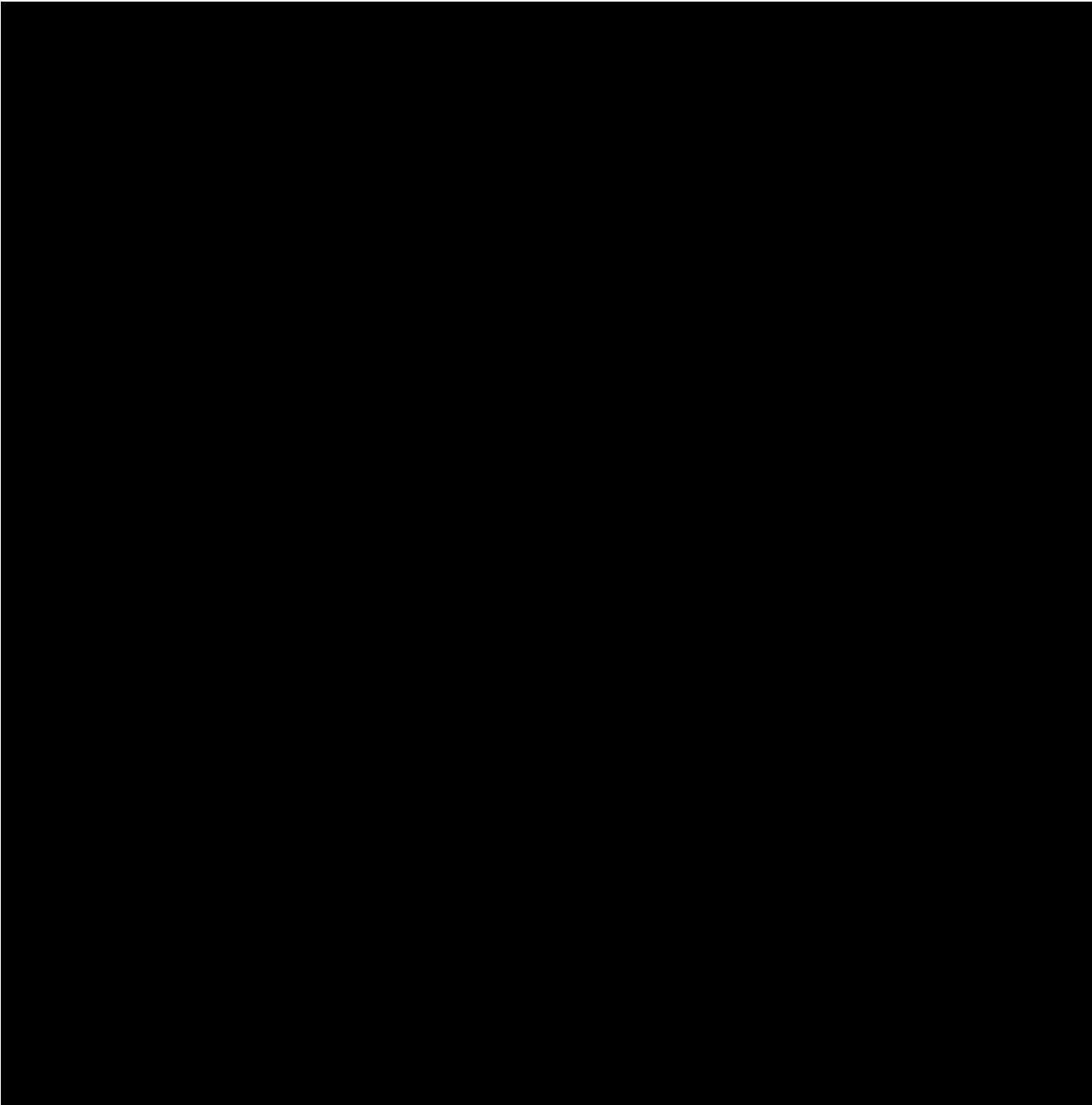


Figure 2.1 – Potentially harmful content of a sexual nature

Operating System: iOS

App/Browser: App

Account Status: Logged-in

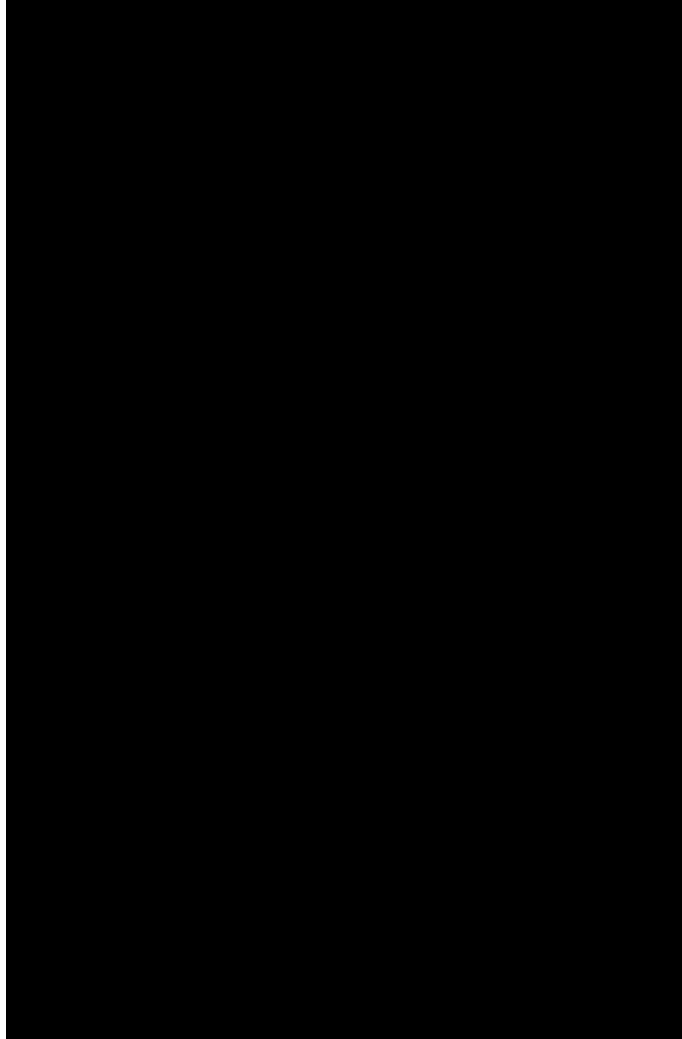


Figure 2.2 – Potentially harmful content of a sexual nature

Operating System: iOS

App/Browser: Browser (Safari)

Account Status: Logged-out

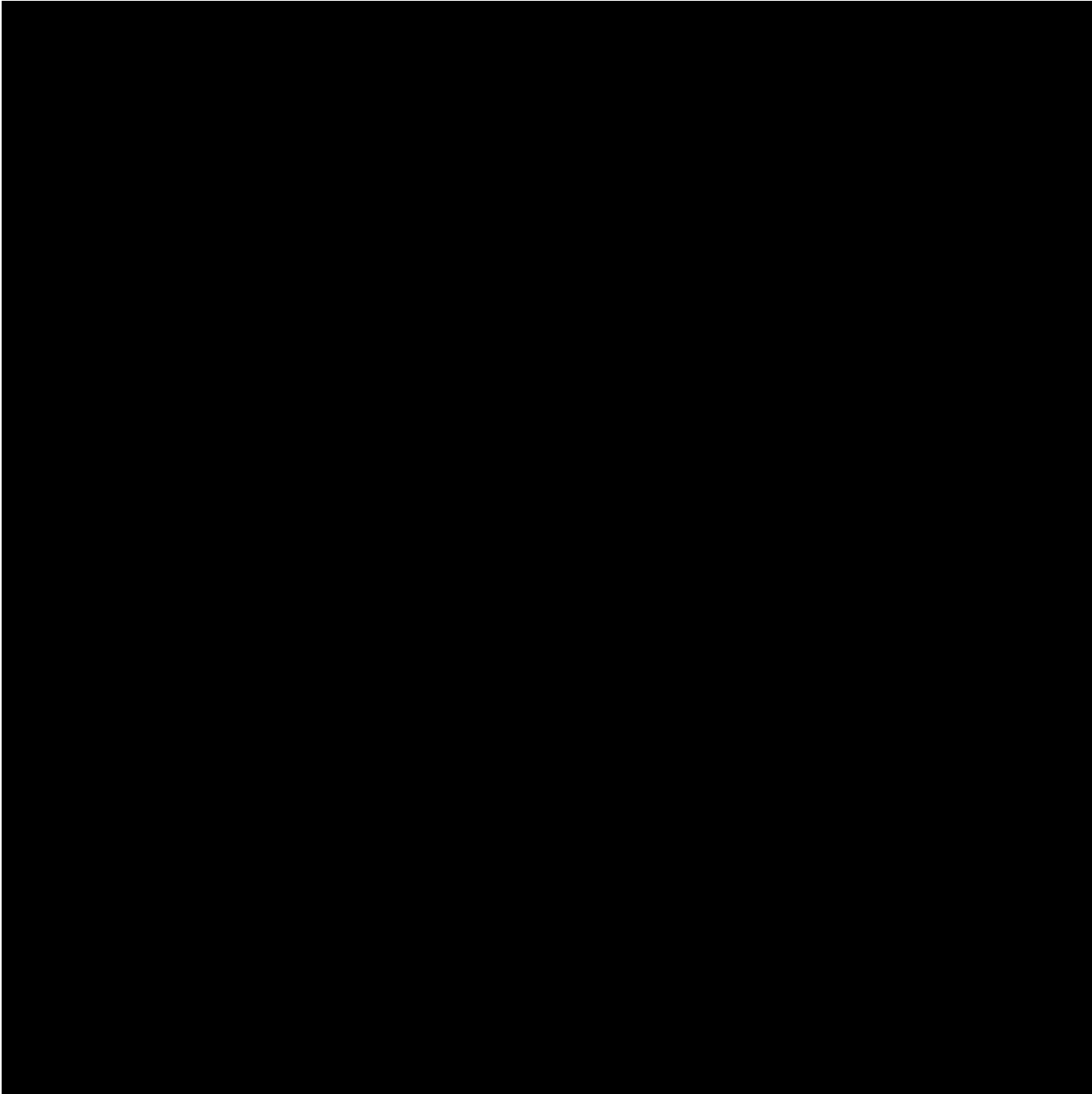


Figure 3 – Potentially harmful content due to explicit language

Operating System: Android

App/Browser: Browser (Google Chrome)

Account Status: Logged-in



²⁰⁴ The post in the above image on the left reads:

[Redacted text]

[REDACTED]

[REDACTED]

Figure 4.1 – Potentially harmful content due to content depicting serious violence or injury

Operating System: Android

App/Browser: App

Account Status: Logged-out

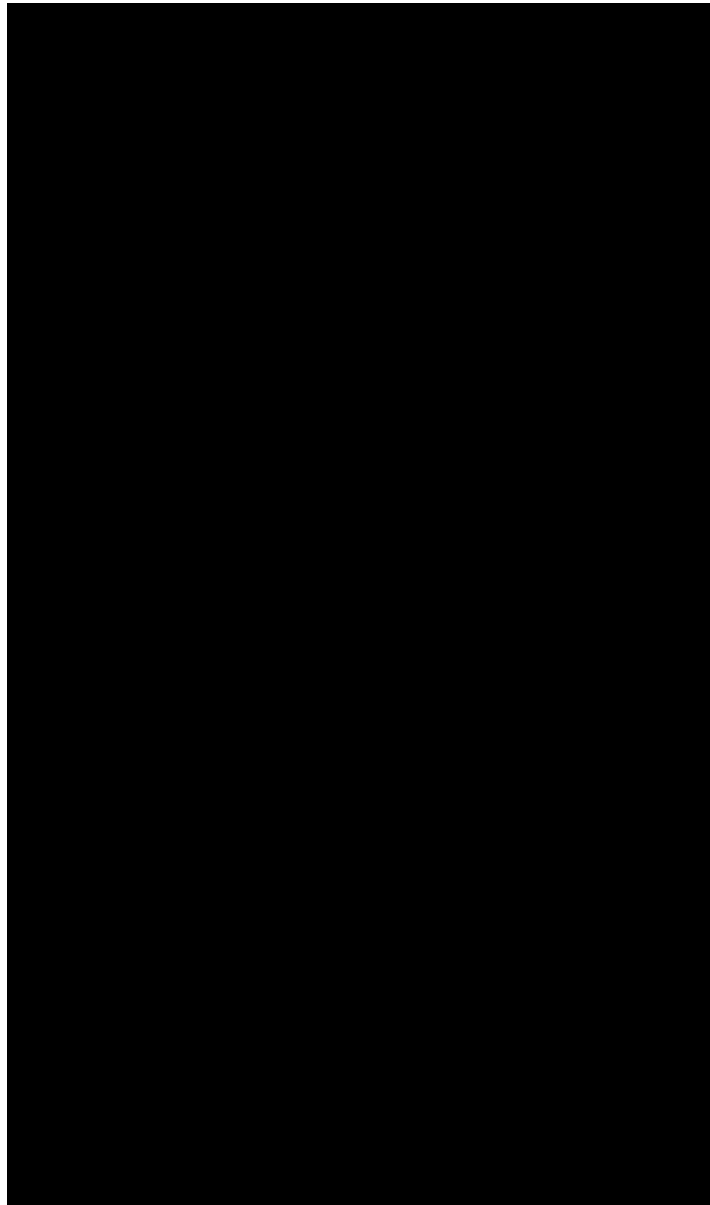


Figure 4.2 – Potentially harmful content due to content depicting serious violence or injury

Operating System: Android

App/Browser: Browser (Google Chrome)

Account Status: Logged-in

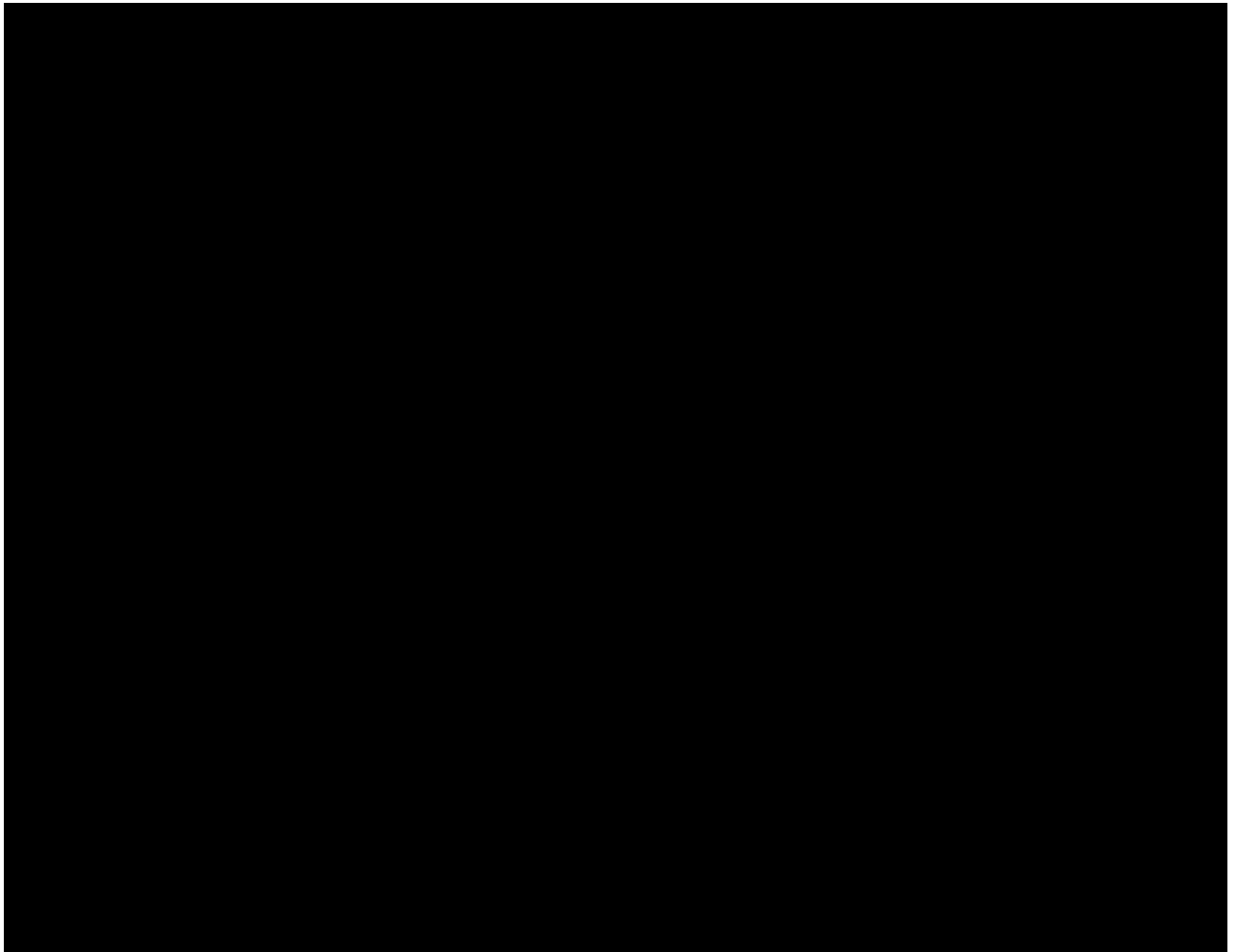


Figure 5 – Potentially harmful content due to antisemitism and religious discrimination

Operating System: iOS

App/Browser: App

Account Status: Logged-in

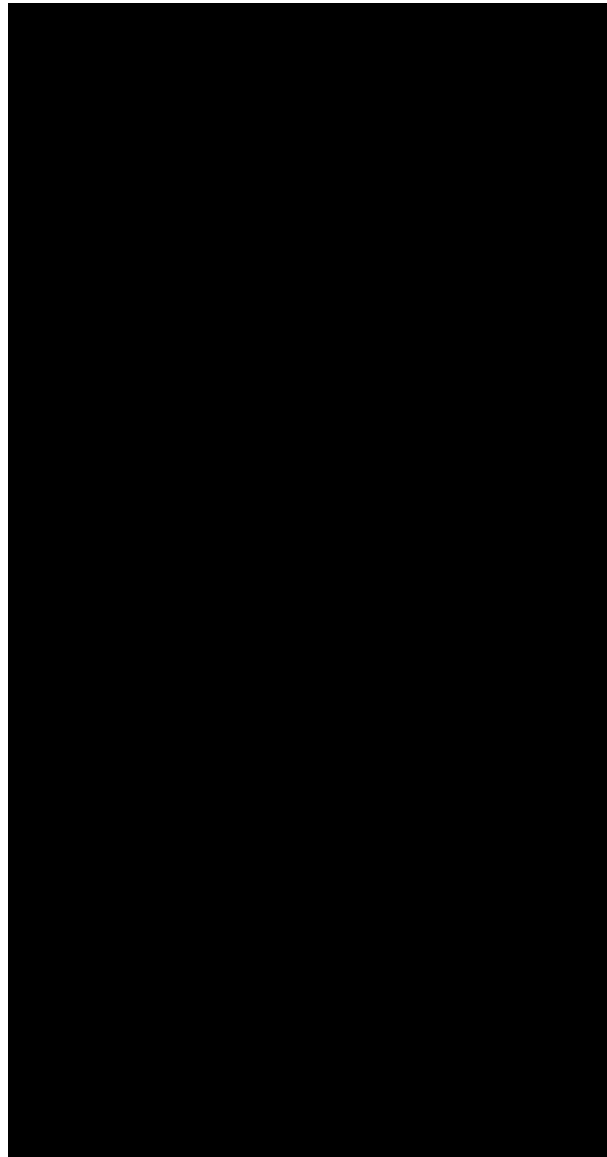


Figure 6.1 – Potentially harmful content due to expression of homophobic views

Operating System: iOS

App/Browser: App

Account Status: Logged-in

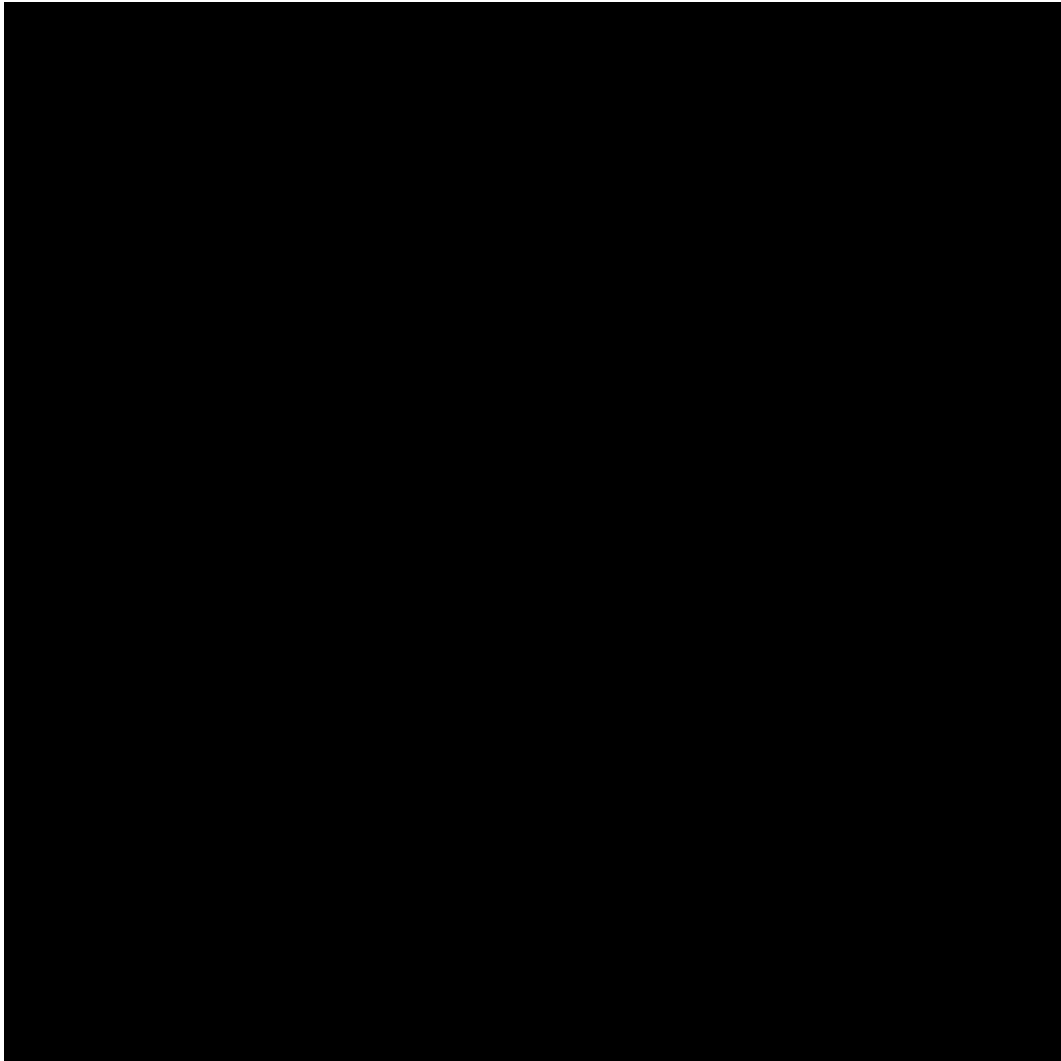


Figure 6.2 – Potentially harmful content due to expression of homophobic views

Operating System: iOS

App/Browser: App

Account Status: Logged-in

