



Translated version of Decision ACM/UIT/660573

The Hague, 4 November 2025

Contact person : [CONFIDENTIAL]*
Subject : ACM/25/198415 Decision regarding the request for publication, dated 24 September 2025

Dear [CONFIDENTIAL],

In your email of 24 September 2025, you filed a request for publication of information, by invoking the Dutch Open Government Act (Woo), regarding the oversight activities of the Netherlands Authority for Consumers and Markets (ACM) over dating websites.¹ You have done so following a previous publication of ACM's regarding this subject.²

ACM has decided to turn down your request for publication. ACM will explain its decision in greater detail below.

The request

You filed a request for publication of the following information:

Information stemming from ACM's investigation into misleading commercial practices by dating websites as stated in information that has already been published (including The Right Link, GoDai, Green8Group, Boost Web Activities (hereafter referred to as: the undertakings)).

More specifically, you requested publication of the following:

- All internal and external reports, memos, and notes;
- Correspondence (including emails) between ACM and the undertakings involved;
- Decisions and sanction decisions;
- Internal policy documents, and legal recommendations with regard to this case.

Course of the procedure

The reason for your request was your initial question to ACM of 18 June 2025. In that question, you wished to contact ACM regarding its investigation into dating websites of several years earlier. On 19 June 2025, ACM responded to your question with several references to ACM's website where information had been published. On 24 September 2025, you subsequently filed a Woo request with ACM.³ On 3 October 2025, ACM sent you an email with several suggestions for scheduling a phone call.⁴ On 7 October 2025, you responded by email.⁵ On 8 October 2025, a phone call took place between you and ACM regarding your request as well as an explanation about ACM's oversight. A summary thereof has subsequently been sent to you by email, including a confirmation of receipt.⁶ In that email, ACM also asked you whether you wished to continue your request. On 15 October 2025, ACM asked you to inform ACM no later than 17 October 2025 about your wishes regarding the next

* In the public version of the decision, certain parts of the text have been replaced or omitted for reasons of confidentiality. Replaced or omitted sections are indicated by square brackets.

¹ ACM/IN/1033324.

² [Users of fake dating websites to receive over 9 million euros as financial compensation | ACM](#)

³ ACM/IN/1033324.

⁴ ACM/UIT/659650.

⁵ ACM/IN/1037962.

⁶ ACM/UIT/659657.

steps in this procedure.⁷ On 17 October 2025, you responded that you wished to continue your request.⁸ On 20 October 2025, ACM informed you that the response deadline had been extended by two weeks.⁹

Oversight, enforcement, and sector-specific regulation by ACM

Pursuant to more than 20 official laws and European regulations, ACM has been charged with many duties regarding oversight, enforcement, and sector-specific regulation. In the performance of those duties, ACM is, to a large extent, dependent on its ability to access confidential information and intelligence from undertakings it oversees. The undertakings involved submit that information and intelligence to ACM, trusting that ACM will not publish that.

It would be indefensible if ACM were to publish such data anyway. Not only the undertakings from which that data comes could be harmed by such publication, ACM's oversight itself, too, would be seriously harmed. If ACM were to publish data that has been submitted to ACM in confidence, it could put pressure on the trust relationship between ACM and regulated parties. As a result, ACM's performance of its statutory duties could be hindered.

Special law supersedes the Woo

In part with an eye to ACM's oversight duties, the Dutch legislature introduced in the Establishment Act of the Netherlands Authority for Consumers and Markets (In Dutch: Instellingswet ACM, hereafter: lw) a separate system of confidentiality and publication regarding information that ACM has at its disposal within the context of those oversight duties. The provisions in that law supersede the provisions in the Woo.¹⁰ If information cannot be disclosed because of the confidentiality rules laid down in the lw, no assessment under the Woo will take place.

Information obtained by ACM that falls within the scope of your request

Among the pieces of information that you have requested are 97 documents that ACM has obtained within the context of its performance of the statutory duties laid down in the Dutch Act on Enforcement of Consumer Protection (in Dutch: Wet handhaving consumentenbescherming, hereafter: Whc). In the enclosed list of documents, it has been indicated to which documents the above applies. These are emails from or on behalf of the undertakings. ACM must keep that information and intelligence secret under Section 7, paragraph 1, of the lw. This information and intelligence can only be used within the context of ACM's performance of its statutory duties.¹¹ Only three exceptions apply to this basic principle.¹²

1. The situation where a statutory regulation other than the lw applies to the information,
2. The situation where another regulator wishes to use the information for its statutory duties;
3. The situation where information is requested by the undertaking about which the information is.

None of the above three exceptions apply to the case at hand. That is why ACM will not proceed with publication of this information, and turns down publication of these 97 documents.

Documents created by ACM that fall within the scope of your request

Among the pieces of information that you have requested are 176 documents that ACM itself has created within the context of the performance of its statutory duties under the Whc. ACM qualifies these

⁷ ACM/UIT/660355.

⁸ ACM/IN/1042034.

⁹ ACM/UIT/660451.

¹⁰ Section 8.8 of the Woo.

¹¹ See also consideration 5, final sentence, of the ruling of the District Court of Rotterdam of 26 April 2018, www.rechtspraak.nl, number ECLI:NL:RBROT:2018:3294.

¹² See Section 7, paragraphs 2 and 3, of the lw.

documents as documents within the meaning of Section 12w of the lw. In the enclosed list of documents, it has been indicated to which documents the above applies.

ACM has created the documents demanded by you within the context of a regulatory case vis-à-vis the undertakings, and contain, among other items, emails drawn up by ACM, phone call notes, and other documents that touch upon its regulatory duties. Regarding the publication of case-file documents, ACM's basic principle is that such documents are not published.¹³ Such documents usually contain confidential information about regulated parties. In the performance of its duties regarding oversight, enforcement, and sector-specific regulation, ACM is, to a large extent, dependent on its ability to access confidential information and intelligence from undertakings it oversees. The undertakings involved submit that information and intelligence to ACM, trusting that ACM will not publish that. If ACM were to publish that information and intelligence anyway, it could put pressure on the trust relationship between ACM and regulated parties. As a result, ACM's performance of its statutory duties could be hindered because it is very likely that, in that case, ACM will no longer be able to access information from and intelligence about undertakings, which is necessary for ACM's ability to perform its duties.¹⁴

In ACM's opinion, publication of those documents would thus be at odds with the objective of the law-enforcement duty that it has been charged with, as described above. That is why publication of those documents should not take place, which means that ACM turns down the publication of these 176 documents.¹⁵

In the assessment of these interests, the interest of the individual applicant does not play a role.

Decision

On the basis of the above, ACM turns down your request for publication under Section 7, paragraph 1, and Section 12w, paragraphs 1 and 4, of the lw in conjunction with Section 12u, paragraph 4, of the lw. In the enclosed list of documents, it has been indicated for each document which ground of rejection applies to it.

¹³ According to District Court of Rotterdam dated 10 January 2024 (ECLI:NL:RBROT:2024:35, considerations 10 and 11).

¹⁴ According to District Court of Rotterdam dated 23 January 2025 (ECLI:NL:RBROT:2025:864, consideration 8.1).

¹⁵ Section 12w, paragraph 5, of the lw in conjunction with paragraph 4 as well as Section 12u, paragraph 4, of the lw.

Publication

An anonymous version of this decision as well as of the contents of the underlying request will be published on ACM's website¹⁶ within two weeks after the date of this decision.

Do you have questions?

If you have any questions, please contact [CONFIDENTIAL]. Your case has been registered under case number ACM/25/198415. Please include this number when contacting us.

The Hague, 4 November 2025

Kind regards,

The Netherlands Authority for Consumers and Markets,
On its behalf,

Was signed

[CONFIDENTIAL]

Team Manager

Consumer Department

*Anyone whose interest is directly affected by this decision can file an objection, supported with reasons, against this decision with the Netherlands Authority for Consumers and Markets **within six weeks** after the publication date of this decision. Please send the objection to the following address: Netherlands Authority for Consumers and Markets (ACM), Legal Department (JZ), P.O. Box 16326, 2500 BH, The Hague, the Netherlands. The notice of objection must be signed, and should at least include the name and address of the applicant, the date on which the notice of objection was written, a description of the decision against which the objection is filed, as well as the reasons for the objection. Please enclose a copy of the disputed decision with your notice of objection.*

*Do you as an interested party wish to stop the publication of information? If so, please file, **within two weeks** after the publication date of this decision, a notice of objection, and, at the same time, file a request with the provisional-relief judge to postpone the decision to publish for the duration of the procedure.*

¹⁶ www.acm.nl/publicaties/openbare-stukken-naar-aanleiding-van-woo-en-informatieverzoeken (in Dutch)