

Reference: 577246

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Freedom of Information: Right to know request

Thank you for your request for further clarification, following your request for information about Ofcom's policies and guidance to broadcasters in relation to anti-Semitism.

Please see our responses to your questions below:

1. *Is Ofcom obliged to use this definition because it was adopted by the UK Government? If not, please can you provide details of how and when Ofcom decided to adopt the definition?*

Ofcom is not obliged to use the International Holocaust Remembrance Alliance's ('IHRA') definition of anti-Semitism. Ofcom is a statutory regulator which is independent from the government, established under the Office of Communications Act 2002, with its own role, remit and decision-making powers.

Having considered the IHRA's definition in the context of our statutory duties to determine broadcast complaints¹, we have decided it appropriate to adopt this definition in full in cases where issues of anti-Semitism arise. We did so for the first time last year in our investigation into the series *The Lobby*².

2. *In addition, there are 2 examples of anti-Semitism from the IHRA definition in which I am interested:*

- *Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.*
- *Applying double standards by requiring of it [Israel] a behavior not expected or demanded of any other democratic nation.*

Please could you let me know if Ofcom has similar requirements for broadcasters that:

- a) *refer by name to any other nation state;*

¹ Under the Communications Act 2003 and Broadcasting Act 1996.

² Published in the Ofcom Broadcast and On-Demand Bulletin on 9 October 2017 – see:

https://www.ofcom.org.uk/data/assets/pdf_file/0033/106989/issue-338-broadcast-on-demand-bulletin.pdf

b) *require the analysis of the establishment/foundation of any other named nation state not to be characterised as a “racist endeavour”;* and

c) *require the filtering of any analysis of any other named nation state’s behaviour through a test of “double standards”.*

If you do have such codes/guidance please could you let me know the names of the nation states/countries?

As set out in our previous response, all broadcasters must comply with the requirements of the Ofcom Broadcasting Code (‘the Code’). This means that, when referring to different nation states, broadcasters must ensure that the provisions of the Code are satisfied. For example, any potentially offensive content referring to a nation state must be justified by the context; and alternative viewpoints must be appropriately reflected when broadcasters criticise the policies and action of any nation state.

Ofcom’s codes or guidance do not make reference to any particular nation state. However, as reflected in the case of *The Lobby*, where there are factors which are relevant to the particular facts of the case (for example, the IHRC’s definition of anti-Semitism), Ofcom will incorporate those into its decision-making as appropriate. These decisions are made on a case-by-case basis, depending on the particular facts.

I hope this information is helpful. If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Jacqui Gregory
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF