

Reference: 526076

Jerin John
Information Rights Adviser
Information.requests@ofcom.org.uk

9 April 2018

Freedom of Information: Right to know request

Thank you for your request for information where you asked about a complaint from Ofcom to the Netherlands Institute for the Classification of Audiovisual Media (NICAM) regarding Dutch adult channels.

This was received by Ofcom on 8 March and it has been considered under the Freedom of Information Act 2000.

You stated that you would like access to an official complaint made by Ofcom towards NICAM about the Dutch adult channels being made available on Freeview.

We are not clear about whether your request was in relation to NICAM or the Dutch Media Authority, the CVdM. However, so as to be helpful to you, we checked whether we have had similar Freedom of Information requests and we have had one which was made in 2014.

Please see attached the document titled 'Regulation of adult-sex services on Freeview and the internet FOI 1-257602252'. This information may be helpful in finding an answer to your request. We have redacted the personal details of the requester as at the time the request was made and responded to, we were unable to disclose these details.

Please note that although the Authority for Television on Demand (ATVOD) is mentioned in the 2014 response, it no longer exists as Ofcom brought the regulation of on-demand content in-house from 1 January 2016¹.

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.

¹ See 'Ofcom brings regulation of 'video-on-demand' in-house': <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2015/1520333>

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:

Steve Gettings
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