

Reference: 623948

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

29 October 2018

Freedom of Information: Right to know request

Thank you for your request for information about Content Board and Ofcom's publication scheme.

This was received by Ofcom on 1 October and it has been considered under the Freedom of Information Act 2000 ("the Act").

You asked:

I am writing to request documents about the Ofcom Content Board. My efforts to find them (without adding to your workload) have been stymied by the fact that some of your core Freedom of Information documentation appears to be missing as well, so I would also like to see that.

The specific items are:

- a) *The agendas and full minutes for Ofcom Content Board meetings during 2018, up and including this month. These documents have previously been published on your website (at this page: <https://www.ofcom.org.uk/about-ofcom/how-ofcom-is-run/content-board>), but nothing has been published this year. If you are in any doubt about whether to release this information, you ought to have regard to the Communications Act 2003 section 26, as amended (<https://www.legislation.gov.uk/ukpga/2003/21/section/26>), as well as the standard FoI principles.*

The latest approved minutes of Content Board meetings up to and including 10 July 2018 are now available on our website: <https://www.ofcom.org.uk/about-ofcom/how-ofcom-is-run/content-board>. I can confirm that we intend to publish further minutes of meetings up to October 2018 within the next few weeks.

Therefore, we consider that this information is exempt under section 22 of the Act, namely that the information is intended for future publication and that it would be against the public interest to release the information at this time. The attached annex to this letter sets out the exemption in full, as well as the factors we considered when deciding where the public interest lay.

- b) *Your Publications Scheme. The "Ofcom's publication scheme" heading on your website is a circular link back to the page on which it sits (<https://www.ofcom.org.uk/about-ofcom/foi-dp>). A Google search of your website does not find it anywhere else. I am sure you are aware that the Freedom of Information Act requires you to have such a Scheme, and that it must be based on*

the Information Commissioner's Office's model scheme. As the model scheme expects that information is normally published on your website, it would appear to a layman that your Scheme is in breach of itself.

Our publication scheme is now available as a website page -please visit the following link under 'Freedom of Information and Data Protection': <https://www.ofcom.org.uk/about-ofcom/foi-dp/ofcoms-publication-scheme>.

- c) *An up-to-date copy of your Guide for Information. The document currently published on your website (https://www.ofcom.org.uk/data/assets/pdf_file/0013/7006/pubscheme.pdf) states that you publish Board and committee minutes (which presumably includes the Content Board established by law), but the relevant heading leads to a dead link (<https://www.ofcom.org.uk/about/csg>).*

The publication scheme is now available as a website page, where you can access the 'Boards and committees' link in order to access the minutes of meetings.

If you have any queries, 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:

Corporation Secretary
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

Annex

Section 22: Information intended for future publication

Section 22 may apply if there is an intention to publish the requested information at some future date. This ensures that the FOI Act does not force public authorities into premature publication of information.

Key points:

- Section 22 may apply even if the specific date for publication has not yet been determined but the proposed publication timetable must be **reasonable** in all the circumstances;
- Section 22 will only apply if a public authority has decided, before the request is received, to publish the information concerned;
- Section 22 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Open policy making and public confidence in regulated activities 	<ul style="list-style-type: none"> • Ofcom intends to publish the requested documentation in Autumn 2018. • Disclosure of the information before the date of publication would, or would be likely to, prejudice Ofcom's interests by reducing its ability to properly check and test the accuracy and completeness of the information.
<p align="center">Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • Ofcom is currently finalising its Content Board minutes of recent meetings. It is in the public interest that Ofcom reviews and analyses the information obtained in the course of drafting the minutes, before approving the minutes for publication. Premature disclosure would, or would be likely to, prejudice Ofcom's interests in carefully checking and testing the accuracy of the information and presenting a complete picture of its minutes of meetings, together with any relevant context or explanation. 	