

References:627598, 627993

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

1 November 2018

Freedom of Information: Right to know request

Thank you for your requests for information about Secklow Sounds.

These were received by Ofcom on 9 and 10 October and it has been considered under the Freedom of Information Act 2000 ("the Act"). Please note that Freedom of Information requests and responses are published in an anonymised format.

You asked:

- *The names of the three people who reported Secklow Sounds (CR100777) for failure to comply with our Key Commitments - this is out of character and seems like an orchestrated attack.*
- *I received an email from [an Ofcom employee] on 20 September 2017 requesting a copy of our content - I'd like to know the name of the person and any organisation they represent, who made this request.*

Ofcom holds information within the scope of your requests. The information you have requested is being withheld as it falls under the exemption in section 44 of the Act. This exemption allows information to be withheld when its disclosure is prohibited under other legislation. Section 393(1) of the Communications Act 2003 prevents Ofcom disclosing information about a particular business (e.g. complaints about failure to comply with key commitments) unless we have the consent of that business or releasing that information helps Ofcom to carry out its duties, neither of which apply here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

Your request is for information about complainants, specifically their names. In addition, names are being withheld under section 40(2) of the Act. Section 40(2) of the Act provides that personal data which relates to persons other than the requester is exempt where, amongst other things, its disclosure would contravene any of the data protection principles in the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. This is an absolute exemption and is not subject to a public interest test. We do not consider that it would be fair to disclose the complainant's personal data given the sensitivity of the information, potential consequences for the data subjects, their reasonable expectations, and the absence of any clear and countervailing legitimate interest in disclosure.

We suggest that the licensee concerned contact Ofcom under the usual regulatory process to discuss the matter complained of.

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