

Reference: 646727

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### **Freedom of Information: Right to know request**

Thank you for your request for information about fines and penalties imposed due to Broadcasting Code breaches.

This was received by Ofcom on 12 December and it has been considered under the Freedom of Information Act 2000.

You asked:

*I am requesting electronic data referring to all the fines and penalties imposed by Ofcom in regards to breaches of the Ofcom code, found in the Broadcast Standard Cases section of each Ofcom Broadcast and On Demand Bulletin, from issues 337 - 362.*

*Whilst there are examples of fines and penalties imposed by Ofcom on your website, I find that these do not include each individual investigation that has found a breach in Ofcom codes as detailed by your Broadcast and On Demand Bulletin. They are seemingly either cherry picked or chosen at random, and a lot of them are in reference to licence or privacy cases and not breaches of Ofcom codes in reference to Broadcast Standard Cases.*

*There have been 78 investigations that have concluded that a broadcaster has breached Ofcom codes over the course of issues 337 – 362 of the Ofcom Broadcast and On Demand Bulletin. If possible, I would like data on each of these specific investigations.*

*The electronic data should (if possible) contain what broadcaster breached Ofcom codes, what code was breached and what fine or penalties were imposed to the Broadcaster. The data should only include decisions in regards to Broadcast Standard Cases, again from issues 337 - 362 of the Ofcom Broadcast and On Demand Bulletin. The data should not include license cases, or privacy cases.*

Firstly, I should clarify that while Ofcom's Broadcast and On Demand bulletins record all Ofcom's decisions, including breaches of the Broadcasting Code or other relevant code or licence condition, not all breaches result in a sanction such as a financial penalty.

Sanctions decisions are reported in a separate section of the Ofcom website which you can find here: <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications>.

Details of Ofcom's procedures for the consideration of statutory sanctions in breaches of broadcast licenses are available here:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0030/71967/Procedures\\_for\\_consideration.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0030/71967/Procedures_for_consideration.pdf)

I hope this information is of assistance. If you have any queries, please contact [information.requests@ofcom.org.uk](mailto: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