

Reference: 482838

7 November 2017

Julia Snape  
Information requests

[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

### **Request for information under the Freedom of Information Act 2000**

The request for information at point 9 of your recent complaint about Virgin Media has been passed to me in the Information Requests team to process under the Freedom of information Act 2000.

Your request asked:

*“xxxxxxx hereby requests full disclosure as to why Ofcom has failed to date to honour its repeated promises of a consultation on the “securing of prominence for public service channels” and all communications with third parties, meeting notes, internal minutes, memos, draft consultation proposals and any other relevant documentation in relation to this matter since (at least) 2015*

Ofcom has given consideration to your request and we are unable to disclose the information you are seeking.

Under section 12(1) of the FoIA, Ofcom may refuse to deal with a request where we estimate that doing so would exceed the ‘appropriate limit’, as set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, SI. 2004 No 3244. The appropriate limit for Ofcom is £450, calculated at a rate of £25 per person per hour; this equates to 18 hours of time. We have estimated that in order to provide you with the information you have requested it would take at least 18 hours of time.

The detailed information you have requested covers a few years of Ofcom activity and it may be held in a variety of systems including archives. Work in this area over the time period has been carried out by different groups and teams. We are uncertain that we would be able to gather together all relevant information as it would take a substantial amount of time for a member of our staff to locate, identify and extract the relevant information to meet your request. It would involve searches of a number of colleagues’ hard and soft copy files, across a number of groups, and potentially across a number of projects.

For the reasons above, we therefore have decided to refuse your request on the basis of

Section 12 of the FoIA. If you wish to submit an alternative request with a narrower, more specific scope in relation to this subject, we would be happy to give it our full consideration. If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Julia Snape

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 exception 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