

Freedom of Information: Right to know request

Thank you for your request for information regarding a paper to the Ofcom Board. Your request has been considered under the terms of the Freedom of Information Act 2000 (“the Act”).

Your request was:

“Under the Freedom of Information Act, please could you provide a copy of the Ofcom report provided by the chief executive to the board and referred to in the minutes of the Ofcom 170th board meeting dated 13 September 2011?”

As previously advised, Ofcom considers that information requested falls under the exemption contained in section 36 of the Act and we have extended the deadline for response, in order to fully assess the public interest. The exemption under section 36 relates to information that would or would likely prejudice the effective conduct of public affairs, which includes inhibiting the free and frank exchange of views. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information as set out in Annex A.

Steve Gettings as a “qualified person” has determined that in his reasonable opinion it is, for the most part, in the public interest for Ofcom to disclose the information you have requested.

He did not however consider it to be in the public interest to disclose the internal code name which Ofcom used for the work. The reasoning for this is in Annex B.

We have also redacted the name of an individual (whose job title is however given) pursuant to section 40 of the Act.

We have therefore provided a redacted version of the paper that you have requested.

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