

Reference: 479447

Date: 1 November 2017

Julia Snape
Information requests

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Thank you for your request for information which we have considered under the Freedom of Information Act 2000 ('the FoIA').

You asked for the following:

"documents insofar as they relate to, and are in connection with, Ofcom's 2017 investigation into the anticipated acquisition of Sky plc by 21st Century Fox, Inc:

- 1. Any correspondence between Ofcom and the Department for Culture, Media and Sport;*
- 2. Any correspondence between Ofcom and the CMA;*
- 3. Minutes of any meetings between Ofcom, the CMA and/or any members of the Department for Culture, Media and Sport;*
- 4. Records of any telephone conversations between Ofcom, the CMA and/or any members of the Department for Culture, Media and Sport; and*
- 5. Any correspondence, minutes of meetings, records of telephone conversations and/or presentations that have taken place within Ofcom."*

I can confirm that we hold information responsive to your questions. However, a considerable amount of time would be needed to locate, retrieve, identify and extract all relevant information as we would need to carry out an email search covering much of Ofcom. Section 12 of the Freedom of Information Act 2000 provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and as such the cost of complying with your request will exceed the appropriate limit. We will therefore not be able to provide any information in connection to your request.

However, 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. In any event, with any information requested, exemptions may apply.

You may like to note that information has been published on the DCMS, CMA and Ofcom websites relating to the proposed merger. You may find it helpful to refer to these:

<https://www.gov.uk/government/collections/proposed-merger-between-twenty-first-century-fox-inc-and-sky-plc>

<https://www.gov.uk/government/news/foxsky-cma-publishes-statement-of-issues-for-investigation>

<https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/foxsky-process-update>

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 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