

Reference: 617768

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Information Rights Adviser
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11 October 2018

Freedom of Information: Right to know request

Thank you for your email of 17 September, seeking further clarification as to when and how Ofcom adopted the International Holocaust Remembrance Alliance's ('IHRA') definition of anti-Semitism. We have considered this under the Freedom of Information Act 2000.

You have asked in particular for details as to Ofcom's process for adopting this definition and the evidence of this process, by reference to:

- a) which body/committee of Ofcom formally adopted the definition*
- b) the date upon which this body/committee adopted the definition*
- c) the agenda and minutes of the meeting of the Ofcom body/committee at which the decision was made.*

There was not a body/committee of Ofcom that formally adopted the definition.

As we have previously explained, Ofcom adopted the IHRA's definition of anti-Semitism in October 2017 in the context of undertaking its statutory broadcasting functions, investigating the television series *The Lobby*¹. The investigating team, following our published procedures² considered it appropriate to rely on the IHRA's definition in considering the issues that had been raised. The final decision-maker was Tony Close, the Director of Ofcom's Content, Standards, Licensing and Enforcement team, who approved the decision that was published in the Broadcast Bulletin on 9 October 2017.

Having set the precedent in relying upon the definition in the particular case of *The Lobby*, Ofcom will continue to use the IHRA's definition should we encounter any other cases involving potentially anti-Semitic material.

You have also asked if the BBC, as a broadcaster, is regulated by Ofcom.

I can confirm that under the terms of the BBC Charter and Agreement, and the BBC Operating Licence, all BBC Licence Fee funded services are subject to regulation by Ofcom. For more

¹ See Ofcom's published Decision in Broadcast and On demand Bulletin, published on 9 October 2017 (https://www.ofcom.org.uk/data/assets/pdf_file/0033/106989/issue-338-broadcast-on-demand-bulletin.pdf).

² https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

information about how Ofcom regulates the BBC, please see: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/bbc-operating-framework>.

If you have any queries, then 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:

Jacqui Gregory
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