

Reference: 626761, 626762

Jerin John  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

5 November 2018

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

Thank you for your requests for information about Koast Radio.

These were received by Ofcom on 7 and 8 October and have been considered under the Freedom of Information Act 2000 (“the Act”).

You asked:

Reference: 626761

- *I would like full details of the complaint and complainant and as much detail as has been provided to Ofcom [concerning Koast Radio and its Key Commitments]*

We hold information falling within this part of the request, however we are unable to disclose this as it would be possible to identify the source of the complaint, and as a result personal data may be disclosed. Section 40(2) of the Act provides that personal data which relates to persons is exempt where, amongst other things, its disclosure would contravene any of the data protection principles in the General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully.

Section 40(2) is an absolute exemption and is not subject to a public interest test. Other exemptions may apply.

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- *I would like full unedited details of the complaint Ofcom received concerning [HooHar Loves Wax – Koast Radio 22<sup>nd</sup> September 2018] or as much of the detail you are able to release*

We are able to disclose information falling within this part of the request as we have received consent from Koast Radio. We believe this refers to a complaint Ofcom received on 30 September, which was titled “Expletives and other offensive language within tracks. Hardly acceptable on a “Community” radio station. The details of the complaint were:

*“The word “Nigger” was broadcast within a track. The word “bitch” was broadcast within a tracks. Seriously offensive Expletives were broadcast on many tracks.”*

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