

CONFIDENTIAL

Ofcom ref: 00491060

Alistair Hall

Information Requests

Direct line: 020 77834445

Email: information.requests@ofcom.org.uk

24 November 2017

Ref: 00491060, Freedom of Information: Right to Know Request

Thank you for your request for information on complaints about Fox News, Sky News, and services that Ofcom has judged are not 'fit and proper'. Your request was received on 3 November 2017 and I am dealing with it in accordance with the Freedom of Information Act 2000 ("the FoI Act").

You requested the following information:

1. The identity of the complainant(s) for the Fox News cases published in Broadcast and On Demand Bulletin Issue number 341;
2. A list of all parties that have lodged complaints against Fox News and Sky News content over the past 3 years;
3. Whether Ofcom performed an independent review of Fox News absent complaints to draw up a list of breaches;
4. Whether Ofcom is still receiving and analysing broadcasting standards issues at Fox News despite the fact the channel has been shut down; and
5. A list and of channels that have been found not to be fit and proper, and the reasoning behind that decision.

I will now respond to your questions in turn.

1 & 2. Ofcom cannot disclose this information. It is held by us subject to the statutory prohibition on disclosure in section 393 of the Communications Act 2003, and also represents personal information which is subject to the Data Protection Act 1998. As such, it is exempt from disclosure under sections 44 and 40 of the FoI Act respectively. Both are absolute exemptions under the Act and do not require a public interest test.

3. No. Ofcom has licensed approximately 2,300 television and radio broadcast services, which may broadcast for up to 24 hours a day, and as such it is not practicable or proportionate for us to monitor all our licensed services' output with a view to determining whether there are any breaches.

Ofcom carries out targeted monitoring of licensed services at appropriate times, including during elections, but our main tool for identifying breaches is by audience complaints. Fox News has been included in our monitoring from time to time.

4. Fox News Network LLC surrendered its Ofcom licence on 1 November 2017, and any complaints after that point fall outside Ofcom's jurisdiction. Ofcom continues to have jurisdiction over any complaints made relating to Fox News content broadcast in the EU before that date.

5. Ofcom has made determinations that Bang Media (London) Ltd and Bang Channels Ltd and Iman FM were not fit and proper to hold broadcast licenses, as summarised below:

- **Bang Media (London) Ltd and Bang Channels Ltd**

In November 2010, Ofcom determined that Bang Media (London) Ltd and Bang Channels Ltd were not fit and proper to hold a licence. This was because of serious and repeated breaches of their licences, which demonstrated a disregard for their licence obligations and for the regulatory regime as a whole. Full details are available here:

https://www.ofcom.org.uk/data/assets/pdf_file/0021/46128/bangmedia-revocation.pdf

- **Iman FM**

Ofcom found a breach of the Broadcasting Code against Iman FM following a listener complaint about two lectures as summarised in the introduction to the finding. Given the nature and seriousness of the breach, on 4 July 2017 Ofcom exercised its powers under section 111B of the Broadcasting Act 1990 to suspend Iman FM's licence.

Details of the breach decision and suspension notice are available here:

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-and-suspension-notice-iman-fm>

Following both written and oral representations from Iman Media UK Limited, Ofcom decided that it was necessary in the public interest to revoke the licensee's Broadcasting Act licence, and that the licensee was unfit to hold a broadcast licence. Ofcom issued a revocation notice on 26 July. In addition, during our investigation Ofcom assessed the rest of the series of lectures, and recorded further breaches of the Code.

Details of the revocation notice and further breach decision are available here:

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-and-revocation-iman-fm>

In addition, Ofcom's predecessor the Radio Authority also made the following determinations:

- **Radio Limerick One**

The Radio Authority revoked the licence of Radio Limerick One Limited because of the authority's concern that the licensee was complicit with the illegal terrestrial re-broadcasting of its satellite signal:

<http://webarchive.nationalarchives.gov.uk/20080715074445/http://www.ofcom.org.uk/static/archive/rau/newsroom/news-release/99/pr009.htm>

- **Owen Oyston**

The Radio Authority revoked the licences of entities controlled by Owen Oyston following his conviction for rape:

<http://webarchive.nationalarchives.gov.uk/20080715074730/http://www.ofcom.org.uk/static/archive/rau/newsroom/news-release/98/pr28.htm>

I hope this information is of assistance. 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,

Alistair Hall

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