

Reference: 1-312849543

7 January 2016

Jenny Borritt  
Information Requests

[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

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

Thank you for your request for information asking for an ITC Determination from December 1999. Ofcom received your request on 21 December 2015 and we have considered it under the Freedom of Information Act 2000 (the FOI Act).

You asked:

*"I am looking for an Independent Television Commission (ITC-predecessor of OFCOM) Determination from 20 December 1999. Can you help? Any Suggestions?"*

Upon request, you clarified your request to help us with our search, as below:

*"It [is] related to homophobic comments broadcast over the God Channel (Christian Cable and satellite channel)."*

I am writing to confirm that Ofcom has now completed its search. We do not hold a Determination by the ITC from 20 December 1999.

However, we have located a document dated 22 December 1999, which describes the ITC's decision to uphold a viewer's complaint; the ITC imposed a financial penalty of £20,000 on the Christian Channel, for several breaches of the Advertising Code relating to political impartiality, playing on fear, offence to human dignity and denigration of other beliefs.

The ITC ruled that the offensive material should not be broadcast again.

We have decided not to release the document, under the FOI Act. Section 44 of that Act prevents Ofcom from disclosing information where another Act has said that the information should not be disclosed. In this case, the Act is the Communications Act 2003 (Section 393 (1)). This prevents us from disclosing information about a particular business we regulate, where the information has been obtained while exercising our regulatory powers, unless disclosing that information would facilitate the carrying out by Ofcom of its functions. This is an absolute exemption.

I hope the summary I have provided is helpful in addressing any queries you may have.

If you have any queries about our response, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jenny Borritt

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:

Graham Howell  
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