

Reference: 320284

2 September 2016

Julia Snape
Information Requests

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Thank you for your request for information dated 19 August about broadcasting complaints which we have considered under the Freedom of Information Act 2000 ('the Act').

You asked for:

1. *The full text of all audience complaints made to Ofcom including the phrase "Jeremy Corbyn" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant; and*
2. *The full text of all audience complaints made to Ofcom including the phrase "David Cameron" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant; and*
3. *The full text of all audience complaints made to Ofcom including the phrase "Theresa May" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant; and*
4. *The full text of all audience complaints made to Ofcom including the phrase "Nigel Farage" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant; and*
5. *The full text of all audience complaints made to Ofcom including the phrase "Tim Farron" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant; and*
6. *The full text of all audience complaints made to Ofcom including the phrase "Tony Blair" from 1 January 2016 to 22 August 2016 inclusive, in whichever format is easiest to supply. I understand this may involve redaction of personal details of the complainant.*

We are unable to disclose the information you have requested as this is exempt from disclosure under Section 44 of the Act. This is because the information is subject to section 393(1) of the Communications Act 2003. Under section 393(1), Ofcom is prohibited from disclosing information which relates to a business and which it has obtained in the course of carrying out its functions, unless that business consents, or disclosure is for the purposes of carrying out one of Ofcom's functions. We do not have the broadcasters' consent to disclose the information you have requested, nor is disclosure necessary for the purposes of our functions. On that basis, we are prohibited from disclosing the information you have requested.

Where section 393(1) of the Communications Act applies, so too will the exemption against disclosure provided in section 44 of the Act. This is because section 44 exempts public authorities from disclosing information where doing so has been prohibited by another statute.

Section 44 is an absolute exemption under the Act and does not require a public interest test.

In case you wish to find out more about the complaints Ofcom receives, every week we publish details on our website of programmes that have attracted 10 or more complaints. In addition, Ofcom's Broadcast Bulletin, published every fortnight on our website, includes decisions about the complaints we have received. The Bulletin covers a range of cases, including those on which Ofcom has decided to launch an investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

Weekly audience complaints and the Bulletins can be accessed respectively via the following links to our website:

- <http://stakeholders.ofcom.org.uk/enforcement/audience-complaints/>
- <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/>

Please quote the above reference in any further communication.

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