

Reference: 1214228

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Freedom of Information: Right to know request

Thank you for your request for information about complaints about comments made by Piers Morgan in relation to Meghan Markle's interview with Oprah Winfrey.

We received this request on 15 March 2021 and have considered it under the Freedom of Information Act 2000 ("the FOI Act").

Your request

You asked:

I would like confirmation of the total number of complaints made to Ofcom about the Piers Morgan segment on Megan Markle, as at the 15th of March 2021.

I would like to know how many people residing within the United Kingdom, lodged a complaint about the Piers Morgan segment on Megan Markle, as at the 15th of March 2021.

I would like to know how many people residing outside the United Kingdom lodged a complaint about the Piers Morgan segment on Megan Markle, as at the 15th of March 2021.

Background

We would like to provide some background information about Ofcom's role in broadcast standards regulation, including our complaints procedures.

We handle complaints that we receive about broadcasters' compliance with the [Ofcom Broadcasting Code](#) ("the Code") in accordance with Ofcom's published [procedures for handling complaints, investigations and sanctions on TV](#) relating to content standards, and fairness and privacy. If we consider that a programme presents issues under any of the rules of the Code, we work swiftly to investigate. Should we conclude that there has been a breach of the Code, we have the power to consider the imposition of a statutory sanction against the broadcaster in accordance with Ofcom's published [procedures for the consideration of sanctions](#).

As you may be aware, Ofcom has currently launched an investigation into ITV's broadcast of Good Morning Britain on 8 March 2021. Ofcom considers complaints about programmes in line with our published complaints procedures and assesses issues raised by complainants under the broadcasting

standards as set out in the Ofcom Broadcasting Code. Ofcom carefully assesses all standards complaints that we receive about programmes against the relevant provisions of the Broadcasting Code to decide if they raise substantive issues warranting investigation.

In enforcing the Code, Ofcom must have regard to the need to secure the application of broadcasting standards in the manner that best guarantees an appropriate level of freedom of expression. In our assessment of any complaint, we take into account the broadcaster's right to freedom of expression and the audience's right to receive ideas and information without undue interference, as set out in Article 10 of the European Convention on Human Rights.

Our response

I understand your request to be referring to the ITV programme Good Morning Britain, broadcast on 8 March 2021. We are unable to provide you with the total number of complaints about this specific edition of the programme as we have reported the total number of complaints received across the 8 and 9 March 2021 programmes. This is because some complainants referred to specific incidents that occurred during the 8 and/or 9 March broadcasts whereas other complaints were about Piers Morgan's comments in general across both programmes.

In relation to the total number of complaints about the 8 and 9 March programme, this information is publicly available as Ofcom publishes data about complaints about programmes that have received more than 50 standards complaints in our Weekly Broadcast Report. In the report covering complaints received between [2 March and 15 March 2021](#), we indicated that we had received a total of 57,121 complaints about Good Morning Britain, broadcast on 8 and 9 March 2021. Please note that these complaints referred to comments made by Piers Morgan in relation to Meghan Markle's interview with Oprah Winfrey, as well as other comments made in these programmes.

In relation to how many people residing within and outside of the United Kingdom lodged a complaint about the programme, I confirm that we do hold this information. However, we are unable to disclose this information because it is exempt from disclosure under section 44 of the FOI Act, which inhibits disclosure of information if another enactment prohibits it. Specifically, Ofcom is prohibited by Section 393 of the Communications Act 2003 from disclosing information about a particular business which we have obtained in the course of exercising our functions, such as our work in assessing broadcast standards complaints. This includes information in relation to complaints received about potential breaches of the Code that is not published in the Bulletin. In this case the business is ITV, the broadcaster of *Good Morning Britain*.

There are two gateways to disclosure available, including where Ofcom has the consent of that business or Ofcom considers that disclosure would further the exercise of its functions. In this case, neither gateway is engaged. Therefore, the information requested is exempt from disclosure under section 44 of the Act. Section 44 is an absolute exemption and does not require a public interest test.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk.

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