Reference: 01549275

Temiloluwa Dawodu
Information Rights Advisor
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16 January 2023

Freedom of Information: Right to know request

Thank you for your request for information in relation to complaints about '*Piers Morgan Uncensored*' on TalkTV. We received this request on 28 December 2022, and which you clarified on 6 January 2023. We have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

I am contacting you to request information about the Piers Morgan Uncensored episode on Talk TV dating from the 7th of September 2022, where he hosted a climate activist on his show and ate a burger in front of her. After scrutinising the Ofcom website for more information than the number of complaints, I am contacting you to request:

- the type of breach selected for complaints (i.e. offensive language, breach of impartiality, etc)

- under what grounds the public complained

- if action is being taken by Ofcom to respond to those complaints and if so, what is being done

- any more information you may be ready to share about Talk TV (recurrent breaches, Ofcom investigations into the channel and/or the programme (Piers Morgan Uncensored), etc.)

Our response

In line with our published complaints procedures, Ofcom does not as a matter of course write back to individual complainants to explain the outcome and the reasoning behind its decisions, but all complaints are logged and acknowledged, and decisions are published on our website.

Regarding complaints about the 7 September 2022 edition of '*Piers Morgan Uncensored*', after careful assessment, we did not consider the material in these complaints raised issues warranting investigation under the Ofcom Broadcasting Code. In accordance with our procedures, that decision was published in the Standards section for 'complaints assessed, not pursued' on our Broadcast and On Demand Bulletin (the "Bulletin"). For ease of reference the Bulletin published the following detail of these complaints in issue 460:

Service	Programme	Transmission Date	Issue	Complaints
TalkTV	Piers Morgan Uncensored	07 September 2022	Generally accepted standards	130

We are unable to provide details of individual complaints, as this detail is exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the "Communications Act"). Section 393(1) of the Communications Act prevents us from disclosing information about a particular business (in this case TalkTV), which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 is an absolute exemption under the Communications Act and does not require a public interest test.

Although we cannot provide full detail of the complaints, we can summarise that viewers objected to the presenter's treatment of Orla Coghlan from Animal Rebellion during an interview about the group's protest in front of Parliament.

Regarding your request for wider data about TalkTV complaints, complaints data is available in the Bulletin, where it is possible to filter by service name to focus on complaints about a particular broadcaster in the areas of the Bulletin for standards complaints assessed and not pursued and past decisions.

I hope this information is helpful. 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,

Temiloluwa Dawodu

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