

Reference: 01738044

Information Requests
information.requests@ofcom.org.uk

17 January 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's Investigation into Eden FM. Your request was received on 18 December 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

"Please provide copies of all emails and reports used in the investigation conducted by Ofcom into Eden FM community radio. including details of emails regarding the change to key commitments in October by the station also."

Our response

We have searched for the information requested and we can confirm that we do hold information within the scope of your request. However, we are unable to disclose this information as we consider that it is exempt from disclosure under sections 21 and 44 of the FOI Act.

Section 21 of the FOI Act states that information which is otherwise reasonably accessible to the applicant is exempt from disclosure. Some of the information in scope of your request is publicly available on our website. For your convenience, the information in question can be accessed [here](#).

The remainder of the information we hold which is in scope of your request is considered by us to be exempt under section 44(1)(a) of the FOI Act. This section states that information is exempt from disclosure if its disclosure is prohibited by or under any enactment, in this case section 393(1) of the Communications Act the "Communications Act") prohibits the disclosure of information about a particular business, in this case Eden FM, 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 FOI Act and does not require a public interest test.

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

Information Requests

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF