

Reference: 02175359

Information Requests
information.requests@ofcom.org.uk

10 April 2026

Freedom of Information request: Right to know request

Thank you for your request for information concerning Derby SSDAB - Heads of Terms.

The broadcast licensing team received this request on 12 March 2026 and passed it to the Information Requests team. We have considered your request under the Freedom of Information Act 2000 (the 'FOI Act').

Your request & our response

What did the Heads of Terms submitted in support of the Derby DAB application actually contain? In particular, did they include meaningful indicative pricing, carriage parameters and other substantive commercial particulars, or were they closer to expressions of interest?

We are unable to provide this information as we consider it is exempt under section 44 of the FOI Act. Section 44 exempts the disclosure of information which is prohibited by another enactment. We are prohibited under section 393 of the Communications Act 2003 (the Act) from disclosing information which relates to a business, in this case Derby DAB, which we have obtained in exercise of our powers, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) of the Act is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

Other exemptions may also apply, including Section 43 of the FOI Act, which relates to prejudice of commercial interests.

To be helpful, we are able to provide the following information:

In assessing applications for evidence of demand and support from programme service providers, it should be noted that we take into account a range of forms of evidence, which can include in principle expressions of interest as well as heads of terms, which can themselves vary in the level of detail provided. As set out in our [Small-scale DAB guidance notes](#) (see in particular paragraphs 4.108 to 4.113) applicants should be aware that evidence in an application of advanced discussions with potential programme providers, including those with existing presence in the locality, will tend to give more confidence than generic, in principle expressions of interest.

Yours sincerely,

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Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).