

Reference: 2125092

Chris Vallance
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Information Requests
information.requests@ofcom.org.uk

20 February 2026

Dear Chris Vallance,

Freedom of Information request: Right to know request

Thank you for your request for information on US visa policy correspondence and documents.

We received this request on 30 December 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act"). We wrote to you on 27 January 2026, explaining that we needed more time to consider where the public interest lay in withholding or disclosing the information requested. We have now concluded our consideration.

Your request and our response

Under the FOI act please supply any correspondence or other documents produced since 20 May 2025 and held by relevant members of the senior management team, that is Melanie Dawes, Martin Ballantyne, Melissa Tatton, Kate Davies, and Oliver Griffiths, which:

** Mention the US visa restriction policy applicable to foreign nationals who it considers are "responsible for censorship of protected expression in the United States" (To assist in your search, and to provide context, the policy may be read here: <https://www.state.gov/announcement-of-a-visa-restriction-policy-targeting-foreign-nationals-who-censor-americans#:~:text=Free%20speech%20is%20among%20the,fundamental%20right%20to%20free%20speech.>)*

** Or mention the recent US State Department denial of visas to UK social media campaigners which it claimed had sought to "coerce" American tech platforms into suppressing free speech (context here <https://www.bbc.co.uk/news/articles/cp39knqz008o>)*

** Or discuss the impact the US visa restriction policy could have on Ofcom employees or its work. If any part of this request is unclear or you believe it will exceed the permitted time to complete please let me know so that I may consider revisions.*

Our response

While we do hold information connected to your request we consider that disclosure of this information is exempt under sections 27(1)(a) and (c), 36(2)(b)(ii) and (c) and section 40(2) of the FOI Act.

Sections 27(1)(a) and (c) provide that information is exempt from disclosure if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State, or the interests of the United Kingdom abroad.

Section 27 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in

withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in **Annex A** to this letter.

Much of the information in the scope of your request contains working-level documents or discussions including exchanges of views between Ofcom colleagues. Section 36(2)(b)(ii) and (c) of the FOI Act provides that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information:

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in **Annex C** to this letter. In **Annex B** of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

We also consider that some of the requested information is exempt from disclosure under Section 40(2) of the FOI Act, as it includes personal information regarding Ofcom employees. Section 40(2) provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Section 40 is an absolute exemption under the Act and does not require a public interest test.

Yours sincerely,

Information Requests

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](#).

Annex A

Sections 27(1)(a) and (c) Prejudice to relations between the United Kingdom and any other State, or to the interests of the United Kingdom abroad

Sections 27(1)(a) and (c) exempts information which the disclosure of would, or would be likely to, have any of the following effects:

- Prejudice relations between the UK and any other State; or
- Prejudice the interests of the United Kingdom abroad.

Key points:

- In this case, it is considered that disclosure would prejudice relations between the UK and the United States of America, and the United Kingdom’s interests abroad. It is also considered that the information requested includes information which is confidential information obtained from the United States of America.
- The application of section 27 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Ofcom recognises that its engagement with matters of foreign policy is a matter of interest to the wider public. Releasing such information could be said to increase transparency in our work and allow for discussion in a public forum. 	<ul style="list-style-type: none"> • The documentation in relation to which the exemption is claimed is documentation reflecting discussions regarding Visa policies for the USA. • The disclosure of these documents could affect Ofcom’s ability to effectively discuss such matters and to engage with the United States of America, or other States, going forward, as the documentation contains free and frank discussion regarding US policies. • In order to fulfil its regulatory functions effectively, Ofcom needs to be able to engage with other States by way of frank discussions and exchange of opinions. The disclosure of information about the discussions requested would, or would be likely to, inhibit free and frank discussions in the future for the reasons set out above. • Given the above, disclosing such communications would prejudice relations between the UK and the United States of America and would

	<p>also likely prejudice the interests of the United Kingdom abroad.</p> <ul style="list-style-type: none"> • We also consider that the public interest in this information is limited, as the information requested does not relate to Ofcom carrying out its regulatory functions.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • Ofcom is withholding the requested information. The public interest test has been applied on the basis of disclosing information which would reveal details of discussions with the United States of America in relation to the matters set out, and details of information which was provided in confidence. We consider that the public interest in withholding the information outweighs the public interest in disclosure. • This is because the disclosure of this information would, or would be likely to, prejudice relations between the UK and the United States of America, and the United Kingdom's interests abroad. • Whilst there may be some weight attached to the public interest in disclosing to enable the public to understand how Ofcom engages with foreign policies, we consider that the public interest in this case is limited and that significant prejudice would be caused by such a disclosure. 	

Annex B

Freedom of Information: Right to know request

Section 36 exemption

I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section. In my reasonable opinion, disclosure of the relevant information requested

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in **Annex C** the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned. If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Corporation Secretary

Date: 19 February 2026

Annex C

Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects.
- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- The application of section 36 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Ofcom recognises that its engagement with matters of foreign policy is a matter of interest to the wider public. Releasing such information could be said to increase transparency in our work and allow for discussion in a public forum. 	<ul style="list-style-type: none"> • The documentation in relation to which the exemption is claimed reflects internal discussion relating to Visa policies for the USA. • The documentation concerns Ofcom considering how best to address the policy announcement as an organisation, and there must be a space for colleagues to have free and frank discussions internally to address such issues. • We consider it is also in the public interest for Ofcom to run itself effectively, to have an accurate understanding of foreign policies which may affect its colleagues, and to be able to discuss such policies and share information with colleagues as required. • Given the above and the fact that colleagues need to be able to give their opinions to other staff members or decision makers, disclosing such communications would also likely prejudice the effective conduct of public affairs. • We also consider that the public interest in

	<p>this information is limited, as the information requested does not relate to Ofcom carrying out its regulatory functions.</p>
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • At this time, Ofcom is withholding the requested information. The public interest test has been applied on the basis of disclosing information which would reveal internal discussions and deliberations in relation to Visa policies for the USA. • We consider that the public interest in withholding outweighs the public interest in disclosure. • This is because the disclosure of this information is likely to prejudice the effective conduct of public affairs, as it would affect Ofcom’s employees’ ability to freely and effectively deliberate on and discuss such matters. • Whilst there may be some weight attached to the public interest in disclosing, we consider this is limited, as the requested information does not relate to Ofcom’s regulatory functions, and that significant prejudice would be caused by such a disclosure. 	