

Reference:2108265

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

15 December 2025

## Freedom of Information request: Right to know request

Thank you for your updated request for information under the Freedom of Information Act 2000 ('the FOI Act') for a narrowed date range of FY 2019/20. This is in response to previous FOI requests linked here: [updated FOI PSA up to cost limit](#) and [Revised PSA request Enarpee Services Ltd.](#)

We received your request on 27 October 2025 and we asked you to clarify your request to which you replied on 17 November 2025. We have considered your request under the Freedom of Information Act 2000 ('FOI Act').

### Your request

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*Please search for the years 2019/2020.*

Clarified as:

*It covers me personally while I was working at Enarpee Services.*

### Our response

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We do hold information in scope of your request and some of it is attached with this letter.

Some information has been withheld as it falls under the exemption section 40(2) of the FOI Act which relates to personal information and which provides that such information is exempt for the purposes of the Act. Section 40(2) is an absolute exemption under the Act and does not require a public interest test.

Certain other information we hold in scope of this request is exempt from disclosure under Section 44 of the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 (the Act) prohibits the disclosure of information about a particular business which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

We are unable to disclose certain other information as it falls under the exemption in section 42 of the FOI Act. This deals with the exemption of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

Yours sincerely,

## Information Requests

### Annex

<b>Section 42 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.</b>	
<b>Factors for disclosure</b>	<b>Factors for withholding</b>
<ul style="list-style-type: none"><li>• Open policy making and public confidence in regulated activities.</li></ul>	<ul style="list-style-type: none"><li>• Ofcom considers the request for legal advice is a request for information of which a claim to legal professional privilege could be maintained in legal proceedings. It is advice given by salaried in-house legal advisers and is connected with the giving or obtaining of legal advice.</li></ul>
<b>Reasons why public interest favours withholding information</b>	
<ul style="list-style-type: none"><li>• It is in the public interest that policy decisions are taken in a fully informed legal context, where relevant. We therefore need high quality effectively obtained legal advice for the effective conduct of our business. That advice needs to be given in context, and with a full appreciation of the facts. It needs to be sought and given in a timely fashion to ensure that policy develops in a fully informed way.</li><li>• Legal advice cannot be effectively obtained unless we are able to put all the facts before in-house legal advisers without fear that they may afterwards be disclosed and used to its prejudice. Without such effectively obtained advice, the quality of decision making would be much reduced because it would not be fully informed and this would be contrary to the public interest.</li></ul>	

#### 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](mailto: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](#).