

Reference: 02202227

Information Requests
information.requests@ofcom.org.uk

18 June 2026

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning GB News litigation – internal risk assessment and case review.

We received this request on 20 May 2026 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

“I am requesting documents produced by Ofcom in relation to the litigation brought by GB News Limited, which resulted in the judgment published by the Courts and Tribunals Judiciary in 2025 finding that Ofcom had misapplied Section 5.3 of its Broadcasting Code.

Specifically, please provide:

(1) Any internal review, lessons-learned report, or post-litigation analysis produced by Ofcom following the judgment, which assessed the implications of the judgment for Ofcom's Broadcasting Code enforcement processes.

(2) Any programme board minute, executive committee minute, or equivalent governance record in which the outcome of the litigation and its implications for Ofcom's enforcement approach were formally considered, produced between the date of the judgment and date of this request.

I am not requesting legal advice, draft submissions, or documents produced for the purpose of the litigation itself. I am requesting internal governance and review documents produced after the litigation concluded, where the deliberative process they relate to is now closed.

Please treat each numbered question as severable and provide whatever information can be disclosed in relation to each question independently.

Please provide the information in electronic format.”

Our response

We can confirm that we hold information in scope of this request, namely an internal paper and email updates given to the main Ofcom Board,¹ Ofcom's Content Board² (a committee of the main Board) and Ofcom's legal team regarding the judgment in *GB News Limited v Ofcom* [2025] EWHC 460 (Admin) ("the Judgment") and its implications.

Ofcom publishes the minutes of its Board and Content Board meetings. The following minutes record the discussion of the Judgment at each relevant meeting:

Ofcom Board Minutes, 5 March 2025³

Item 4: Chief Executive's report

8. The Board discussed the recent judgments in two cases against Ofcom, both looking at issues of due impartiality... The other judgment had found against Ofcom in a case where a politician had presented news as part of a current affairs programme. The Board noted Ofcom's proposed response to the decision, which included consulting on changes to the Broadcasting Code so that the rules would be clear for all parties in future.

Content Board Minutes, 18 March 2025⁴

Item 5: Broadcast and Media Group Policy and related teams' update

8. A number of points were highlighted/discussed including:

...

- Judicial Review: A recent judgment had found against Ofcom. The Content Board discussed Ofcom's response to the Court decision, which included consulting on proposed changes to Rule 5.3 of the Broadcasting Code, and there was also a discussion on the scope of that Code review. The Chair would feed the discussion back to the Ofcom Board.

Ofcom Board Minutes, 2 April 2025⁵

Item 9: Annual litigation review

38. The Board discussed the recent GB News case relating to the interplay between rules 5.1 and 5.3 of the Broadcasting Code and noted that in light of the Court's findings on the interpretation of the

¹ More information about Ofcom's Board is available here: <https://www.ofcom.org.uk/about-ofcom/structure-and-leadership/ofcom-board>

² More information about Ofcom's Content Board is available here: <https://www.ofcom.org.uk/about-ofcom/structure-and-leadership/content-board>

³ The full minutes for this meeting are available here: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/how-ofcom-is-run/ofcom-board/minutes-and-notes/minutes-of-the-322nd-meeting-of-the-ofcom-board-held-on-5-march-2025.pdf?v=410663>

⁴ The full minutes for this meeting are available here: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/how-ofcom-is-run/content-board/content-board-minutes-and-notes/minutes-of-the-193rd-meeting-of-the-ofcom-content-board-held-on-18-march-2025.pdf?v=400977>

⁵ The full minutes for this meeting are available here: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/how-ofcom-is-run/ofcom-board/minutes-and-notes/board-minutes-2-april-2025.pdf?v=410659>

Code, Ofcom intended to consult on amendments to rule 5.3 of the Broadcasting Code, to clarify the position for all stakeholders.

We consider the Annual Litigation Review paper itself (as discussed at the Board meeting held on 2 April 2025) and email updates sent to the Ofcom Board, Content Board and Ofcom legal team immediately following the Judgment being handed down are exempt from disclosure under 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 A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

For completeness, we note that the above minutes refer to a consultation on Rule 5.3 of the Ofcom Broadcasting Code. Ofcom's subsequent consultation and decision on amending this rule are available on our website.⁶

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](#).

⁶ <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/consultation-politicians-presenting-news>

Annex A

Section 42 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• Ofcom recognises that the implications of the Judgment could be a matter of interest to the wider public.	<ul style="list-style-type: none">• The documentation in relation to which the exemption is claimed reflects legally privileged documentation prepared for Ofcom colleagues, including senior management, regarding the implications of the Judgment.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none">• It is in the public interest that decisions taken by Ofcom in relation to litigation are taken in a fully informed legal context. Ofcom’s in-house legal advisors therefore need to be able to provide high quality, frank and fulsome legal advice for the effective conduct of its business. It needs to be sought and given in a timely fashion to ensure that decisions are made in a fully informed way.• Legal advice cannot be effectively given if such advice is able to subsequently be disclosed and used to Ofcom’s prejudice. Without such frank and fulsome legal advice, the quality of Ofcom’s decision making would be much reduced because it would not be fully informed and this would be contrary to the public interest.• In response to this request, we have provided published Board minutes which summarises some of the information that is legally privileged (the Annual Litigation Review paper 2025).• We also note that Ofcom’s subsequent consultation and decision on Rule 5.3 has been published on our website, a link to which has been provided above.	