

Reference: 02153222

Information Requests
information.requests@ofcom.org.uk

2 April 2026

Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom correspondence with television manufacturers.

We received this request on 13 February 2026 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

Please provide copies of any correspondence between Ofcom officials and smart or connected TV providers regarding the issue of public service broadcaster prominence.

- Sky
- Virgin Media
- Google
- Samsung
- LG
- Sony
- Panasonic
- Hisense
- Philips
- Toshiba

For the purposes of this request, “correspondence” should be taken to include (but not be limited to) letters, emails, meeting notes, minutes, or records of phone calls and discussions.

To narrow the scope of the request, this should cover the period from 1 January 2024 to 31 March 2024

Our response

We have interpreted this request to relate to public service broadcaster prominence in the context of the Media Bill that was being considered at the time. While we hold information that relates to this, we consider that this information is exempt from disclosure under the FOI Act.

We consider it to be exempt from disclosure under section 36(2)(c) of the FOI Act. Section 36(2)(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 otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means 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 B** to this letter. In **Annex A** of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

We also consider that some of the information is exempt from disclosure under section 43 of the FOI Act. This exemption deals with information that, if disclosed, would, or would be likely to, prejudice the commercial interests of any person including the public authority holding it. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. In this case, we consider that the public interest favours withholding the information. **Annex C** attached to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

We consider that other exemptions under the FOI Act may also be applicable here such as [section 44](#), relating to information subject to disclosure prohibitions - given the overlap between our work in relation to the Communications Act 2003 (CA2003) and the Media Bill, we may be prohibited under the CA2003 to disclose some of the information we hold on the matter and therefore the information may be exempt from disclosure pursuant to section 44 of the FOI Act.

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

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, otherwise 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 B** 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.

Signed: Corporation Secretary

Date: 2 April 2026

Annex B

Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, 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.
- In this case it is considered that disclosure would, or would be likely to, otherwise 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 work on PSB and the Media Act 2024 (and the Media Bill) and its engagement with stakeholders on the matter, 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"> • Ofcom did engage with stakeholders on matters relating to PSB and the Media Bill. However, Ofcom needs to have the space to discuss areas it will be regulating with the stakeholders and answer any queries. • In order to fulfil its regulatory functions effectively, Ofcom generally needs to provide this safe space for stakeholders to engage with us. Disclosure of these conversations would likely risk stakeholders being more cautious or guarded in future engagement. • Releasing this material would likely discourage stakeholders from speaking openly with Ofcom and ultimately impair Ofcom’s ability to develop and implement regulatory approaches and also monitor compliance.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • While there is a general public interest in transparency, we consider that this is outweighed in this case by the need for Ofcom to protect a space in which it has open candid exchanges with its stakeholders. • Effective regulatory decision-making depends on Ofcom’s ability to engage openly with stakeholders. These discussions can involve early-stage thinking, exploratory considerations, and sensitive company information. Stakeholders must be able to raise any concerns, clarification and/or questions freely without fear that their exchanges may later be placed in the public domain. 	

Annex C

<p>Section 43(2) of the FOI Act provides that:</p> <p>“Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)”.</p>	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none"> Ofcom recognises that its work on PSB and the Media Act 2024 (and the Media Bill) and its engagement with stakeholders on the matter, 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"> We consider that some of the information in scope, such as email exchanges with stakeholders, to be sensitive and consider that disclosure would likely prejudice the stakeholder’s commercial interests. Releasing this material would likely discourage stakeholders from speaking openly with Ofcom and be confident that information they supply that is commercially sensitive won’t be disclosed.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> We consider that, on balance, the potential prejudice to commercial interests outweighs the public interest in disclosure. Stakeholders must be able to raise any concerns, clarification and/or questions freely without fear that their exchanges may later be placed in the public domain. 	