Reference: 02299150

Information Requests
information.requests@ofcom.org.uk

28 October 2026

Freedom of Information request: Right to know request

Thank you for your request for information about Prospect Union meeting notes and correspondence. We note this this a follow up to your previous request.

We received this request on 9 October 2026 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

I would now like notes and internal correspondence generated before and after [the 24 April 2026 and 4 September 2026] meetings please.

Our response

We do not hold any notes or internal correspondence generated before or after the meeting of 4 September 2026.

Regarding the meeting stated as 24 April 2026, we wish to amend this date as it was provided incorrectly. This meeting was instead held on 29 April 2026. We apologise for this miscommunication.

In relation to the meeting of 29 April 2026, we hold one e-mail falling within the scope of your request. In that e-mail, Ofcom's People, Culture and Workplace Director briefly outlines the subject matter for the meeting of 29 April 2026, i.e. the status of ways of working between Ofcom and Prospect.

We are not providing a copy of this e-mail as we consider it is exempt from disclosure under section 36 of the FOI Act. Section 36(2)(b)(ii) 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.

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 B to this letter. You should note that we consider it is appropriate to withhold the information under Section 36(2)(b)(ii) principally because of the impact we consider there could be on future communications, rather than as a result of the content of the e-mail itself. In Annex A of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

Please note we also consider other exemptions may apply.

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 Commission.

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, inhibit the free and frank exchange of views for the purposes of deliberation.

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.

Corporation Secretary

Date: 28 October 2026

Annex B

<table>
<tr><td colspan="2">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.

Key points:

• Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

• The application of section 36 is subject to a public interest balance.</td></tr>
<tr><td>Factors for disclosure</td><td>Factors for withholding</td></tr>
<tr><td>• Ofcom recognises that its engagement with unions might be a matter of interest to the wider public. Releasing such information could be said to increase transparency as to how the organisation is operated.</td><td>• It is important for the effective operation of Ofcom that its senior management is able to engage in candid discussion with relevant union representatives. Disclosure of this type of communication would hamper Ofcom’s ability to engage in those discussions in an open manner.

• Open discussion with union representatives feeds into decision-making on Ofcom’s workforce policies. Disclosure of this form of communication would therefore lead to poorer deliberation and decision-making on those policies.

• Decision-making on workforce policies could be impaired if unrepresentative or inaccurate information was made available.</td></tr>
<tr><td colspan="2">Reasons why public interest favours withholding information</td></tr>
<tr><td colspan="2">• At this time, Ofcom is withholding the requested information.
• 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 inhibit the free and frank exchange of views for the purposes of deliberation. In reaching this conclusion, we take into account, in particular, the likely impact on the future course of engagement with relevant unions, which inevitably requires regular contact.
• Whilst there may be some weight attached to the public interest in disclosing, we consider this is limited, taking into account: (a) the limited extent of the information; (b) the description of the information already provided; (c) the open consultation that has been undertaken with Ofcom colleagues in relation to the proposed hybrid working policy; (d) that the information does not relate to Ofcom’s regulatory functions.</td></tr>
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