

Reference: 01407380

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10 February 2022

Freedom of Information request: Right to know request

Thank you for your request for communications involving the BBC's David Jordan regarding impartiality. Your request was received on 13 January 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

Your request

You asked:

Please disclose, preferably by PDF and from the last three years, communications involving the BBC's David Jordan regarding impartiality (and/or what it is/when it is due) and details of what was said in any meetings/virtual meetings involving David Jordan regarding impartiality (etc.), except for communications or meetings in the course of any Broadcasting Code investigation (I suspect such information would be exempt under statutory bar anyway).

Our response

While I can confirm that we do hold meeting notes falling within the scope of your request, we consider that disclosure of some of this information is exempt under the FOI Act. In particular, section 44 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 'Communications Act') prohibits the disclosure of information about a particular business (in this case, the BBC) which has been obtained in exercise of Ofcom's functions relating to broadcast standards. This exemption applies unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications 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.

In respect of the remaining in scope information within these meeting notes, I can confirm that this information is comprised of material that is already in the public domain. In particular, this information has been disclosed in response to previous FOI requests which are published including [this request](#) and others published on [our website](#). Under section 21 of the FOI Act, we are not required to provide information in response to a request if it is already reasonably accessible to you.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF