

Reference: 1401403

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17 January 2022

## Freedom of Information: Right to know request

Thank you for your request for information about any misrepresentation contained in the programme broadcast on the Sikh Channel on 9 September 2021 between 8pm & 10pm.

We received this request on 28 December 2021 and have considered it under the Freedom of Information Act 2000 ("the Act").

### Your request

*You asked: 'I would be most grateful if you could provide me with copies of all the correspondence that has ensued with Ofcom in relation to misrepresentation contained in the programme broadcast on the Sikh Channel 9th September 2021 between 8pm & 10pm please.'*

### Our response

We confirm that in relation to the above mentioned programme, we hold information. However, we are unable to disclose this information, as it falls within section 44 of the FOI Act, which exempts from disclosure information which we are prohibited from disclosing under another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 ('the Act') from disclosing information which relates to a business (in this case, Sikh Channel) which we have obtained in the course of exercising our functions in relation to broadcast standards, 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 is an absolute exemption and therefore is not subject to a public interest test.

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely,

Gloria Akinyemi

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](mailto: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