

Reference: 01496256

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05 October 2022

Freedom of Information: Right to know request

Thank you for your request for information asking for all external communication Ofcom has had in regard to “SarsCov2” and “Covid19” from 1 January 2019 to 6 August 2022. We received this request on 7 September 2022. We have considered your request under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

You asked:

Please present all communications from/to your organisation regarding the media (TV, newspapers, journals, social media etc) regarding the matter of reporting of “SarsCov2” and “Covid19” and related subjects for the period 1st January 2019 to 6th August 2022.

You later clarified your request as follows:

‘all communications’ means all communications in written form irrespective of whether they are in print or electronic or other means of communication.

‘related subjects’ means any subjects of communication [as above] related to “SarsCov2” and/or “Covid19” such as, but not excluded to: mandates, vaccinations, lockdown(s), facial masks, social distancing, laws, rules, regulations etc.

Our response

I can confirm that we do hold information falling within the scope of your request. However, we are unable to provide this information under your request as we consider that disclosure of this information is exempt under section 12 of the FOI Act. Section 12 of the FOI Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Regulations”), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information

from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. We estimate that it would take over 18 hours to locate, retrieve, identify and extract the information you have requested.

Additional information

In case this is helpful, please find additional information below on Ofcom's published guidance relating to reporting on the Coronavirus. Some of this includes information we previously provided in our clarification letter.

By way of background, Ofcom is required under the Communications Act 2003 to set and apply standards for the content of programmes to be included in television and radio services in the UK. Broadcasting standards are set out in the Ofcom [Broadcasting Code](#) ("the Code") and they include that members of the public are adequately protected from offensive and harmful material, and that news is reported with due accuracy and presented with due impartiality.

We also regulate editorial content on UK on-demand programme services. However print and online newspapers, journals and social media do not fall within our statutory remit.

Ofcom has provided guidance to broadcasters outlining our approach to enforcement of their regulatory obligations during the pandemic. This has highlighted issues which may arise in broadcast content relating to the Coronavirus and reminded broadcasters of the importance of compliance with all aspects of the Code. This guidance does not include instructions to broadcasters regarding how they should report on the Coronavirus, generally or in relation to specific subject matter. It is an editorial decision for the individual broadcaster as to what content it broadcasts and how to ensure it complies with the Code, consistent with broadcasters' right to freedom of expression.

Although we don't hold a "rulebook" collating all of the guidance we have issued to broadcasters, our published guidance and decisions on Coronavirus-related programming are available on our webpage [Broadcast standards during the coronavirus pandemic](#). This page explains that, as we make clear in all our decisions: "Consistent with the right to freedom of expression, broadcasters have the editorial freedom to analyse, discuss and challenge issues relating to the coronavirus. If broadcasters include potentially harmful material in their programming, they must ensure they provide adequate protection for the audience from such material."

We have also published information about consumption of and attitudes towards Covid-19 news and information:

- [Covid-19 news and information: consumption and attitudes - Ofcom](#);
- [Covid-19 news and information: consumption, attitudes and behaviour – interactive data - Ofcom](#).

You may also be interested in our previous published responses to FOI requests relating to guidance issued by Ofcom on the Coronavirus:

- [Reassurance from broadcasters regarding Covid-19 messages \(ofcom.org.uk\)](#);

- [Background to Covid-19 guidance to all broadcasters regulated by Ofcom \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/covid19/covid19_guidance_to_all_broadcasters_regulated_by_ofcom/covid19_guidance_to_all_broadcasters_regulated_by_ofcom.pdf);
- [Covid-19 active and passive guidance \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/covid19/covid19_active_and_passive_guidance/covid19_active_and_passive_guidance.pdf);
- [Media coverage of Covid-19 vaccines \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/covid19/covid19_media_coverage_of_vaccines/covid19_media_coverage_of_vaccines.pdf).

Once you have had a look at the above pages, if you wish to consider submitting a further narrower and more focused request, we would be happy to consider this under the FOI Act. Should you decide to make a further request for information, please note the aforementioned appropriate limit, or other exemptions, may apply.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Katherine Childs

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](https://www.ico.org.uk).

Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF