

Reference: 01517190

Temiloluwa Dawodu
Information Rights Advisor
information.requests@ofcom.org.uk

27 October 2022

Freedom of Information: Right to know request

Thank you for your request for information in relation to correspondence between Ofcom and the BBC regarding your complaint about bias towards the SNP. We received this request on 30 September 2022. We have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

You said:

I would like you to send me both the emails/letters you sent to the BBC and their replies.

Our response

We understand that your request relates to a complaint you made to the BBC and Ofcom relating to bias towards the SNP in programmes broadcast on BBC Scotland. As you are aware, we are usually only able to consider complaints about the BBC that have completed the BBC First process. We understand that you made a complaint to the BBC, which has closed your complaint after it issued you with its final view.

In our email to you of 10 October 2022, the Standards and Audience Protection Team explained that we contacted the BBC in order to ascertain the status of your complaint in the BBC process. Whilst we do hold copies of that correspondence between Ofcom and the BBC, we cannot disclose this information as it is exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the “Communications Act”).

Section 393(1) of the Communications Act prevents us from disclosing information about a particular business, in this case the BBC, which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, 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 apply here. Section 44 is an absolute exemption under the Communications Act and does not require a public interest test.

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,

Temiloluwa Dawodu

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](#). Alternatively, the Information Commissioner can be contacted at:

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