

Reference: 01514328

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31 October 2022

## Freedom of Information request: Right to know request

Thank you for your request for information concerning the Bedford small-scale radio multiplex licence award. Your request was received on 3 October 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

### Your request

You asked:

*Can I please request all details about the In2DAB bid, and the Bedford awarding decision.*

*This includes;*

*Any representations made in relation to [Bedford Radio's] bid.*

*Any representations made in relation to the in2dab bid.*

*Officer reports and recommendations to the committee or group that made the decision.*

*All minutes and notes of the committee or group that made the decision.*

*The ofcom technical reports for both [Bedford Radio's] bid and in2dabs bid. - including expected coverage that will be approved, and what population that will cover.*

*And finally confirmation of what population model and data was used for the assessment of this polygon.*

### Our response

We confirm that we do hold information in regards to your request.

I can confirm that we did receive correspondence in relation to Bedford Radio and In2DAB's applications. We do not publish representations on licence bids on our website, so there would be a general expectation from those persons writing to us that their correspondence would not be disclosable. Under section 41 of the FOI Act, disclosure of information is exempt if it was obtained by the public authority from any other person, and the disclosure of the information to the public (otherwise than under the FOI Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person. We are therefore unable to disclose the representations made in relation to the bids.

[Copies of the non-confidential parts of the applications received](#) are available on our website. However, we are unable to disclose the full, confidential copies of the applications, as this information falls within section 44 of the FOI Act, which exempts disclosure of information if its disclosure is prohibited by or under another enactment. In particular, Ofcom is prohibited under section 393 of the Communications Act 2003 ('the Communications Act') from disclosing information about a business which we have obtained in the course of exercising our functions in relation to broadcast licensing, 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. In this case, the relevant businesses are the applicants for the SSDAB licences. Section 44 is an absolute exemption and therefore is not subject to a public interest test. We consider that other exemptions may also apply.

Our [award statement](#), published on our website, details the reasons for awarding the licence to In2DAB Ltd. We are unable to provide further information in relation to the considerations made for the unsuccessful applications, namely the full minutes and notes of meetings and reports and recommendations, as we consider these to be exempt from disclosure by virtue of section 44 FOI Act (for the reasons stated above).

The population data that was used for the assessment of this polygon was the [adult population data derived from the 2011 census](#), which is available on our website, as part of the guidance and supporting data that is applicable to all licensing rounds for small-scale DAB.

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,

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](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. Further information about this, and the internal review process can be found on the [Information Commissioner's Office website](#). Alternatively, the Information Commissioner can be contacted at:

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