

Reference: 01502419

Katherine Childs
Information Rights Advisor
Information.requests@ofcom.org.uk

30 September 2022

Freedom of Information: Right to know request

Thank you for your request for information asking for clarification about a conversation between [REDACTED] and [REDACTED] about BBC Northern Ireland. We received this request on 2 September 2022 and have considered it under the Freedom of Information Act 2000 (the "FOI Act"). This request was passed to the FOI team from the Communications team as you are asking for recorded information held by Ofcom.

Your request

You asked:

I wish to seek clarity following a conversation I had with [REDACTED] last week on BBC NI's decision to award a £700,000 production deal to [REDACTED] without putting it out to tender.

I have been going over my notes from that call with [REDACTED] and have consulted again with [REDACTED] of [REDACTED] and it is clear I need to ask this very direct question:

Can you confirm - even off the record - that [REDACTED] specifically told [REDACTED] that he was "concerned" about the BBC deal and its "implications" and would raise this with the organisation?

I have read the notes from [REDACTED] meeting in which it is abundantly clear that [REDACTED] told him that Ofcom would "be raising this with the BBC", specifically "the way it happened" and "the implications".

I know that [REDACTED] pressed [REDACTED] to confirm if Ofcom would seek clarity from the BBC on this contract three times and each time his response was: "Yes".

Please can you confirm that this is your understanding of that conversation?

Our response

Whilst we do hold information within the scope of your request, we consider that disclosure of this information is exempt under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The

enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003. Under this section, we are prohibited from disclosing information on this subject since it was shared with us while carrying out our regulatory functions and none of the gateways for disclosure in section 393 of the Communications Act 2003 apply here. Section 44 is an absolute exemption under the FOI 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,

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

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF