

Reference: 1580308

Information Requests
Information.requests@ofcom.org.uk

12 April 2023

Freedom of Information: Right to know request

Thank you for your request for information about complaints about BBC online material.

We received this request on 13 March 2022 and have considered it under the Freedom of Information Act 2000 ("the FOI Act").

Your request

You asked: 'In the 20 February 2023 Ofcom Bulletin for complaints about BBC online material (Issue 37), a complaint against the BBC News online article "Anti-vax groups use carrot emojis to hide Facebook posts" for impartiality was deemed to be "assessed but not accepted". Please provide all supporting material which details the rationale for this conclusion, including the process of assessment, all supporting documentation which supports Ofcom's conclusion, and all documentation supporting the opinion of the specific reviewer of this complaint. This can be provided via email to the email address listed above.'

Our response

While we can confirm we do hold information connected to your request, we consider that disclosure of this information is exempt under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another enactment. 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 a power conferred by the Communications Act, the Broadcasting Act 1990, and the Broadcasting Act 1996, 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. 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 quoting the reference number above in any future communications.

Yours sincerely,

Information requests

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