

Reference: 01585575

Information Requests
information.requests@ofcom.org.uk

3 April 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning the identity of a complainant who made a complaint against Cross Counties Radio. Your request was received on 6 March 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

You asked:

We would therefore like to place on record a Freedom Of Information Request to identify the complainant, to identify whether they live or work within the serving area of [REDACTED] license and to identify what if any commercial interests they have which may benefit from damaging [Cross Counties Radio’s] organisation by persistently raising complaints about it.

Our response

We are unable to provide details of the complainant. We consider that the information you have requested, which is personal data, is exempt from disclosure under section 40(2) FOI Act, which provides that personal data which relates to persons other than the requester is exempt where, amongst other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the FOI Act and is not subject to a public interest test.

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