

Reference: 01578804

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 Ofcom's ruling on the *Mark Steyn* programme on GB News. 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 & our response

Ofcom has just ruled in a complaint against mark Steyn.

Who made this ruling ?

What are this person or persons' knowledge concerning medicine, statistics and other matters relating to investigating this complaint. ?

Since it relates to statistics and presentation of government information how did said person/s evaluate it. i.e. was it a considered opinion based on reading the complaint ? Or were their some sort of statistics analysis, ie a formal method and if so what was used ?

Ofcom's [published decision](#) on the *Mark Steyn* programme, broadcast on GB News on 21 April 2022, sets out the full details of the scope of Ofcom's investigation. Our role was to determine whether the material complied with the [Ofcom Broadcasting Code](#). We concluded that the way statistical data was presented in the broadcast did not comply with Rule 2.2 for the reasons set out in the decision.

As per our [Procedures for investigating breaches of content standards for television and radio](#), the final decision was taken by a senior member of Ofcom's executive with appropriate Board-delegated authority. We are unable to provide further details relating to this individual, as we consider this information to be exempt under section 40(2) of the FOI Act, which provides that personal information about persons other than the requester is exempt where its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Section 40 is an absolute exemption under the FOI Act and does not require a public interest test.

Were any other parties involved? If so, who and what ? How long did it take ?

We interpret this question to refer to third parties outside of Ofcom. We can confirm no third parties were involved in the decision.

Have any of said persons ever worked for the BBC.

We can neither confirm nor deny that we hold this information. We consider this information is exempt by virtue of section 40(2) of the FOI Act, for the reasons noted above. More generally, we refer you to [a recent response](#) to an FOI request about the number of members of Ofcom's broadcast standards team who have previously worked for the BBC.

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