

References: 1637297 and 1637290

Information Requests
information.requests@ofcom.org.uk

26 July 2023

Freedom of Information: Right to know request

Thank you for your follow up requests for information about Ofcom and Nominet and Ofcom and its subject access request ('SAR') process. These were received on 29 June 2023 and we have considered them under the Freedom of Information Act 2000 ('the FOI Act'). Your requests follow an earlier similar request from 13 June 2023 under reference 1632154 and a number of other FOI Act requests along the same subject – see the table below.

Your requests

1. Nominet

'It is highly irregular that the regulator for communications is not maintaining global logging of its communications in a readily filterable format for the purposes of its compliance obligations.'

As requested please further narrow this request to the team of senior management during the requested period(s).'

Earlier request from 13 June 2023:

*'For all emails exchanged between *@ofcom.org.uk and @nominet.* during the Month of "March 2022" please provide a list containing from: address, to: address, subject: line and if fees permit the name of any files attached to the emails.'*

2. Ofcom SAR process

'Please provide all documentation held by Ofcom on what process it follows when searching email logs and email contents to service a Subject Access Request.'

Our response

In response to request 1, we have taken the period of this follow up request to be March 2022, as under reference 1632154.

We hold two documents within scope of the request of an administrative nature, however we consider they are exempt from disclosure under section 44 of the FOI Act. Section 44 exempts the

disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 from disclosing information which relates to a business (in this case, Nominet), which we have obtained in exercising our powers, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

In response to request 2, this request is of a very wide manner without any obvious purpose. The nature of the process we follow in relation to subject access requests depends on the scope of the specific request concerned. You can find information about how we process personal data and your rights on our website: [General Privacy Statement – How we handle your personal data - Ofcom](#)

1 December 2022	Communications between Nominet and Ofcom
6 February 2023	Communications between Nominet and Ofcom between 1 January and 14 March 2022
16 March 2023	Communications between Nominet and Ofcom January-May 2023
17 April 2023	Data regarding “Nominet” in March 2022
16 May 2023	Reasonable assistance- Data regarding “Nominet” in March 2022
16 May 2023	Ofcom Departments which communicate with Nominet – taken to internal review stage
16 May 2023	Ofcom's FOIA process and policy – taken to internal review stage
13 June 2023	Emails Ofcom and Nominet March 2022

We have responded to these current requests without prejudice to our concern as to the number and nature of requests you are making. In particular we note you have still not identified what the nature of your interests are. Please quote the above 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. The Information Commissioner can be contacted at:

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