

Reference: 01644226

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

10 August 2023

### Freedom of Information request: Right to know request

Thank you for your request for information concerning the use of the term 'Commercial' in Broadcast Radio Licensing Documentation and Guidance. Your request was received on 13 July 2023 and we have considered it under the Freedom of Information Act 2000.

#### Your request & our response

*'I am interested in understanding when Ofcom began using the term 'commercial' to describe broadcast radio licensing in its documentation and guidance, both online and in any planning documents, notes, and guidance for prospective broadcasters. This is of particular interest as the legislation, namely the Broadcasting Act 1990 and the Communications Act 2003, refers to these licences as 'independent'.*

*To this end, I would like to request the following:*

*1. The date or approximate timeframe when Ofcom first started using the term 'commercial' in this context.*

Ofcom has used the term 'commercial radio' from the very outset, as shown in [this consultation](#) from February 2004. We have used this term to refer to radio broadcasting services which are wholly, or partially, funded by advertising (and latterly to distinguish them from community radio services, many of which also obtain revenues from advertising but which have very different objectives primarily focused on the provision of social gain), and reflects the terminology used by the radio broadcasting industry.

*2. Any documentary records indicating when the use of this term was approved, by whom and for what purpose.*

We do not hold this information.

*3. Copies of any notes, minutes, communication exchanges, and any other forms of correspondence that makes reference to the designation and use of the term 'commercial' in the context of broadcast radio licensing that designates broadcast radio licences as 'independent' in the relevant legislation.'*

We do not hold this information.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto: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](mailto: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