

Reference: 1541647

[request-925580-3ddd0340@whatdotheyknow.com](mailto:request-925580-3ddd0340@whatdotheyknow.com)

Gloria Akinyemi  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

26 January 2023

## Freedom of Information: Right to know request

Thank you for your request for information about communications between Nominet UK and Ofcom.

We received this request on 1 December 2022 and have considered it under the Freedom of Information Act 2000 (the Act). We emailed you on 29 December 2022 to say we needed more time to consider the public interest arguments for and against disclosure of information. We have now concluded that consideration.

### Your request

*'Please provide copies of all communications between Nominet UK (its board, executive or staff and the monopoly provider of .uk domains) and Ofcom in any format it is held throughout 2022. If you are unable to provide all communications, please focus on the communication outlined below:*

From

FOI [https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fdcms and nominet communications&data=05%7C01%7Cinformation.requests%40ofcom.org.uk%7C972282a4bd0b48adc0d308dad3c5f4b8%7C0af648de310c40688ae4f9418bae24cc%7C0%7C1%7C638055144412894977%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&data=srRpreq7b%2FWsILEWc653FqVsd%2FdeRTc2Z4zjrx1x748%3D&reserved=0](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fdcms%2Fand%2Fnominet%2Fcommunications&data=05%7C01%7Cinformation.requests%40ofcom.org.uk%7C972282a4bd0b48adc0d308dad3c5f4b8%7C0af648de310c40688ae4f9418bae24cc%7C0%7C1%7C638055144412894977%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&data=srRpreq7b%2FWsILEWc653FqVsd%2FdeRTc2Z4zjrx1x748%3D&reserved=0) and document <https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2F843052%2Fresponse%2F2181234%2Fattach%2F3%2FIR2022%252006574%2520Attachment%25201.pdf&data=05%7C01%7Cinformation.requests%40ofcom.org.uk%7C972282a4bd0b48adc0d308dad3c5f4b8%7C0af648de310c40688ae4f9418bae24cc%7C0%7C1%7C638055144412894977%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&data=4UH1zjlxHKXMqRO8C4HJ1sEc%2F8wgdqROnEV%2B%2Bob43q%3D&reserved=0>

2022/04/05 - We've also been in contact with Ofcom about this this week'.

## Our response

We consider that your request for all communications held throughout 2022 to be broad in scope and would take a considerable amount of time to locate the information. Section 12 of the Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Regulations”), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time.

We estimate that it would take over 18 hours to identify and extract the information you requested.

As per your request, given we are unable to provide all the communications you requested, we have focused our search on communications that would relate to the email you referred us to, i.e the email that states “*We’ve also been in contact with Ofcom about this this week*’.

We can confirm that we have communications relating to the above and we have attached it.

Some of the information captured by the request contains personal information and we have redacted it as we consider that this information is exempt from disclosure under section 40 of the Act. We also consider that some information is exempt from disclosure under section 41(2) of the Act.

Section 40 provides that personal information about persons other than the requester is exempt where, among 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. Section 40 is an absolute exemption under the Act and does not require a public interest test.

Section 41 of the FOI Act provides that information is exempt from disclosure if it was obtained by the public authority from any other person (including another public authority), and *the disclosure of the information to the public (otherwise than under the FOI Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person*. We also consider that other exemptions under the FOI Act may be applicable.

I hope this information is helpful. 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,

Gloria Akinyemi

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