

Reference: 01544983

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11 January 2023

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

Thank you for your revised request for information concerning correspondence with Gary Neville. Your request was received on 12 December 2022 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

### Your request and our response

You asked:

*I would like to submit a revised request for information via the FOIA and EIRs given your confirmation that you hold correspondence and communications with a representative of Mr Neville*

*Please note that my request concerns Ofcom's contacts and communications with Gary Neville, the former football player who now works as a sports commentator and property developer. Mr Neville is also the co-owner of Salford City Football Club. Please note that the reference to Mr Neville in the questions below should include Mr Neville himself and or anyone able to compose and or respond to correspondence on his behalf and in his name. These individuals will include employees and or representatives (including but not limited to lawyers and or agents and or publicists).*

*Please note that the reference to correspondence and communication should include all traditional forms of correspondence including letters, faxes, memos, and telegrams; all emails irrespective of whether they were sent and or received through private and public accounts, all telephone text messages, all Gmail messages and all messages sent through encrypted messaging services including but not limited to WhatsApp.*

*Please note that I am interested in receiving actual copies of correspondence and communication rather than just excerpts from that correspondence and communication. Copies of letters should include the letter head, all other design features, and the signatures. Similarly emails and other messages should be copied and disclosed as received. If you feel the need to redact material from any correspondence and communication, can you redact the material where it appears. That way I will be able to judge the location and extent of the redactions.*

*Please note that I am interested in correspondence and communication generated between 22 November 2021 and the present day.*

*1...During the aforementioned period has Mr Neville written to and or communicated with Ofcom?*

During the aforementioned period, Mr Neville has not written to and/or communicated with Ofcom. However a representative, authorised to act on his behalf, has communicated with Ofcom.

*2...If the answer is yes can you please provide copies of this correspondence and communication.*

Please see our response under question 3.

*3...During the aforementioned period did Ofcom write to and or communicate with Mr Neville. If the answer is yes, can you please provide copies of any correspondence and communication.*

I can confirm that, during the aforementioned period, Ofcom has communicated with a representative on behalf of Gary Neville on one occasion, in relation to Mr Neville's potential involvement in a panel discussion relating to research commissioned by Ofcom. However, we consider that the contents of this communication is exempt from disclosure 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 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.

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

Zach Westbrook

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