

Reference: 01621594

Information Requests
information.requests@ofcom.org.uk

7 June 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning the names of those who created the decision of Breach of Rule 2.2. Your request was received on 10 May 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

My purpose in writing is to ask for the names of those who created the decision of Breach of Rule 2.2 to support the work of an organization compiling information about Covid conspiracy contributors for the International Crimes Investigative Committee led by Mr. Reiner Fuellmich.

Background

We understand that your request relates to our [recent decision](#) on the GB News service.

Ofcom’s [published decision](#) on the Mark Steyn programme, broadcast on GB News on 4 and 5 October 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](#) (the “Code”). We concluded that the interview between Mark Steyn and Dr Naomi Wolf did not comply with Rule 2.2 for the reasons set out in the decision.

Ofcom’s initial assessment of the complaints about the programme was managed by the Ofcom Standards Team. This team sits within the Broadcasting and Media Group, of which the Group Director at the time of the decision was Kevin Bakhurst. The team’s role involved assessing the complaints against the relevant rules of the Code in accordance with our published procedures for investigating breaches of content standards for television and radio.

As per our [procedures for investigating breaches of content standards for television and radio](#), the final decision that the programme was in breach of Rule 2.2 was taken by a senior member of Ofcom’s executive with appropriate Board-delegated authority, and the reasons for this decision are clearly set out in our published decision, a link to which is provided above.

Our response

We are unable to provide details of the individual involved in making the final breach decision, 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. Those principles include that personal data must be processed fairly and lawfully. 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 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