

Reference: 01566750

Information Requests
information.requests@ofcom.org.uk

13 March 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning documents between Ofcom and BBC, ITV, C4 and Sky regarding misinformation and Covid. Your request was received on 13 February 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

- 1. Please provide dates and times and recorded minutes, meeting notes, emails, letters between OFCOM and any representatives or employees of the BBC, ITV, Channel4 and Sky during the period and years of January 2020 to December 2020 and January 2021 to December 2021 (all months inclusive) where misinformation, covid, lockdowns or covid vaccines was discussed*
- 2. Please provide dates and times and recorded minutes, meeting notes, emails, letters internally between OFCOM and also between OFCOM and ANY other government department or minister where discussions or mentions about BBC, ITV, Channel4 and Sky took place as regards their dealing with misinformation, covid, lockdowns or vaccines during the period and years of January 2020 to December 2020 and January 2021 to December 2021 (all months inclusive)*

Our response

We are unable to provide this information as we consider that disclosure of this information is exempt under section 12 of the FOI Act. Section 12 of the FOI 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 locate, retrieve and extract the information you have requested due to the number of different email accounts and documents on our data management system we would have to search through.

You may wish to consider submitting a narrower, more focused request, for example, the names of specific stakeholders, specific types of document, or shorter date ranges and we would be happy to consider this under the FOI Act. However, should you decide to make a further request for information, please note the aforementioned appropriate limit. We would also like to draw your attention to the exemptions under the FOI Act which may apply to documents in any narrower, more focused request; in particular, section 44 of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any other piece of legislation. Section 393(1) of the Communications Act 2003 prohibits us from disclosing information which is shared with us while carrying out our regulatory functions, for example information which relates to or is about specific broadcasters. Section 44 is an absolute exemption under the FOI Act and does not require a public interest test.

Regarding your request for information between Ofcom and any other government department or minister, we do not hold any information in scope of your request. Ofcom is independent from Government, and Government departments and official agencies are not involved in any way in our decisions on broadcasting standards cases.

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