

Reference: 01566749

Information Requests
information.requests@ofcom.org.uk

13 March 2023

Freedom of Information request: Right to know request

Thank you for your request, as set out below. Your request was received on 13 March 2023 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act').

Your request & our response

1. Please provide dates and times and recorded minutes, meeting notes, emails, letters between the OFCOM and any representatives or employees of Twitter and Facebook 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 between OFCOM and ANY other government department or minister where discussions or mentions about Twitter and Facebook took place as regards their dealing with misinformation, covid, lockdowns or vaccines

We can confirm that we hold some information that falls within the scope of the above two requests. We are however unable to disclose this information as we consider that its disclosure is exempt under the FOI Act. In particular, under section 44 of the FOI Act, information is exempt from disclosure if its disclosure is prohibited by or under any enactment. In this case, section 393(1) of the Communications Act 2003 (the "Communications Act") prohibits the disclosure of information about a particular business (such as Twitter and Facebook), which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 is an absolute exemption under the Communications Act and does not require a public interest test.

We consider that other exemptions under the FOI Act may also be applicable here.

You may find it helpful to have a look at this Home Affairs Committee meeting (where misinformation was one of the topics discussed and the attendees included Facebook and Twitter) :
<https://committees.parliament.uk/oralevidence/1566/html/>

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