

Reference: 01565730

Information Requests
Information.requests@ofcom.org.uk

9 March 2023

Freedom of Information: Right to know request

Thank you for your request for information concerning salary ranges by grade in Ofcom's constituent groups. Your request was received on 10 February 2023, and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

Your request

After reading Ofcom's senior salary disclosure information, I would like to know the salary ranges by grade in each of Ofcom's constituent groups.

Please provide the minimum and maximum salaries for associates, senior associates, principals and directors in each of Ofcom's constituent groups namely: economics and analytics; broadcasting and online content; legal and enforcement; networks and communications; technology; corporate; strategy and research; and spectrum.

Note I am not interested in any personal data that would be subject to exemption under the Freedom of Information Act, only in the salary ranges by grade. I look forward to your response.

Our response

We are unable to provide information in relation to minimum and maximum salaries by grade in the Ofcom groups you requested as we consider that this information is exempt from disclosure under section 40 (2) of the FOI Act. We are mindful that there may be a legitimate public interest in the provision of salary information from a public body. However, we have also considered whether the detailed parts of your request might contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. We consider that it would not be fair or lawful to disclose salary information broken down as you requested as this would provide detail as to the likely salaries of identifiable individuals without any significant public interest benefit.

We believe that our approach to this request is consistent with ICO guidance which confirms that providing more detailed information on salaries is more intrusive than providing a salary band. Ofcom's current salary bands are available in a previously published response here: [Salary ranges for jobs in Ofcom](#).

We note your request asked for actual salaries. You may be interested to know that Ofcom are in the process of reviewing and updating salary ranges, the consideration of which needs to go through the correct governance procedures and negotiations. We intend to publish these new salary ranges by the end of 2023. Ofcom considers that the advanced release of new salary ranges would not be in the public interest because it may prejudice the correct governance required to confirm the detail of the bands and the approach to publication.

Ofcom therefore considers that new salary scale information falls under the exemption contained in section 22 of the FOI Act, namely that the information is intended for future publication and that it would be against the public interest to release the information at this time. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

I hope that this response is helpful. 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. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Section 22: Information Intended for Future Publication

Section 22 may apply if there is an intention to publish the requested information at some future date. This ensures that the FOI Act does not force public authorities into premature publication of information.

Key points:

- Section 22 may apply even if the specific date for publication has not yet been determined but the proposed publication timetable must be **reasonable** in all the circumstances;
- Section 22 will only apply if a public authority has decided, before the request is received, to publish the information concerned;
- Section 22 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• Open policy making and public confidence in regulated activities	<ul style="list-style-type: none">• Ofcom intends to publish the requested documentation by the end of 2023.• the advanced release of new salary ranges would be against the public interest because it may prejudice the correct governance required.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none">• Ofcom is currently reviewing its salary scales. It is in the public interest that Ofcom publishes this information in line with the correct governance otherwise it may prejudice consideration of the pay bands.	