

Reference: 01601802

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22 May 2023

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

Thank you for your request for information concerning the public interest test for the proposed acquisition of Sky by Twenty-First Century Fox, conducted in March 2017. Your request was received on 20 April 2023 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act').

#### Your request

*I am respectfully requesting the following information referenced in the document titled "Decision: Licences held by British Sky Broadcasting Limited (Fit and Proper Assessment) (Explanatory wording added 11 September 2017)":*

*Letter from Fox News to Ofcom, dated 16 June 2017 (see footnote 18; see paragraphs 58 and 59);*

*Letter from Fox to Ofcom dated 20 June 2017 (see footnote 23);*

*Letter dated 5 May 2015 (see footnote 24);*

*Letter dated 5 May 2017 (see Annex at paragraph 9);*

*Fox responses to Request for Information dated 20 March 2017 from Ofcom to Fox (see footnote 4);*

*Fox responses to Request for Information dated 4 April 2017 from Ofcom to Fox (see footnotes 4 and 26);*

*Fox responses to Request for Information dated 5 April 2017 from Ofcom to Fox (see footnote 4);*

*Fox responses to Request for Information dated 6 June 2017 from Ofcom to Fox (see footnotes 4 and 19);*

*Notes of meeting held on 27 March 2017 (see footnotes 5 and 37);*

*Notes of meeting held on 6 April 2017 (see footnote 5);*

*Notes of meeting held on 18 April 2017 (see footnotes 5, 22, 23, 26; see paragraph 58);*

*Notes of meeting held on 11 May 2017 (see footnotes 5, 22, 24, 25, 30);*

*Notes of meeting held on 30 May 2017 (see footnotes 5, 27, 29, 36); and*

*PowerPoint Presentation given to Ofcom during meeting held on 27 March 2017 (see footnote 37).*

## Our response

We confirm that we do hold the requested information. However, we are unable to disclose this as this information falls within section 44 of the FOI Act, which exempts disclosure of information if its disclosure is prohibited by or under another enactment. In particular, Ofcom is prohibited under Part 9 of the Enterprise Act 2002 ('the Act') which restricts the disclosure of information which relates to the affairs of an individual or any business of an undertaking which has come to us in the course of exercising our functions. Section 44 is an absolute exemption and therefore is not subject to a public interest test. We consider that other exemptions may also apply.

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