

Reference: 01600952

Information Requests
information.requests@ofcom.org.uk

17 May 2023

Freedom of Information request: Right to know request

Thank you for your request for information about your two complaints. Your request was received on 19 April 2023 and we have considered it under the Freedom of Information Act 2000 (the Act).

Your request & our response

I submitted 2 complaints to ofcom 01548437 and 01553764 in Dec and Jan. One was about the bbc and one itv. In both cases I completed their complaint process first. Having spoken to your office this week I was told they should be on your website by now. As I can't find either on your published info I am requesting under the foi act full details of both my complaints the investigation, decisions and reasoning by ofcom to either investigate or not investigate both complaints.

I also request details of why both have not appeared on your website and again the reasons why.

In line with our [published complaints procedures](#), Ofcom does not as a matter of course write back to individual complainants to explain the outcome and the reasoning behind its decisions, but all complaints are logged and acknowledged, and decisions are published on our website here: [Broadcast and On Demand Bulletin](#).

We can confirm that after careful assessment, we did not consider the material identified in your complaints raised issues warranting investigation under the Ofcom Broadcasting Code.

Our decision about *FIFA World Cup Final 2022: Argentina v France (ITV, 18 Dec 22, 14:00)* under reference number 01548437 was published in Bulletin issue 466 in the Standards section for complaints assessed, not pursued.

Our decision about *Match of the Day Live: FIFA World Cup 2022: Qatar v Ecuador (BBC 1, 20 November 2022)* under reference number 01553764 was published in Bulletin issue 467 in the BBC Standards section for complaints assessed, not pursued.

We are unable to provide further details about our investigations into these complaints, as this detail is exempt from disclosure under section 44 of the Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003. Section 393 of the Communications Act prevents us from disclosing information about a particular business (in this case, ITV and the BBC) 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 and does not require a public interest test.

You also asked: *Finally I would like to be given details of who I can contact as I believe ofcom have failed to correctly handle my requests.*

Full details on the procedure for complaints to Ofcom are available [here](#). There is a two-stage process for you to follow if you consider that Ofcom colleagues:

- have failed to correctly follow Ofcom procedure; and/or
- have failed to handle their contact with you appropriately.

Stage one: you should contact the Ofcom colleagues who are handling your contact. This gives them the chance to look into your concerns and, where needed, to put things right. Complaints or queries about handling of standards complaints should be directed to Ofcomstandardsteam@ofcom.org.uk quoting the original complaint reference number.

Stage two: if, after you have contacted these colleagues, you believe there is evidence of mishandling and this remains unresolved by the original team, you can ask Ofcom's Corporation Secretary to review the issue.

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