

Reference: 01675187

Information Requests
information.requests@ofcom.org.uk

4 October 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning a Susy Radio complaint - name of complainant and detail of complaint. Your request was received on 21 September 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

Over several emails to Ofcom's Broadcast Licensing Team, you requested the details of a complaint against Susy Radio and the identity of the complainant. In this correspondence, you stated:

"can you please forward without delay the non confidential portion of the actual complaint(s) you received"

Our response

While we do hold information concerning the complainant's identity, the complainant has explicitly stated that they do not consent for their identity to be disclosed. Therefore, we consider the complainant's identity to be exempt from disclosure under section 40(2) of the FOI Act, which provides that personal information about persons other than the requester is exempt where its disclosure would contravene any of the data protection principles in the General Data Protection Regulation and the Data Protection Act 2018. Section 40 is an absolute exemption under the FOI Act and does not require a public interest test.

In addition to the complainant's identity, we also consider the content of the complaint to be exempt from disclosure. Due to the nature of the information given, we believe that information included within this complaint could be used to identify the complainant themselves or people who may have provided the complainant with information. Thus, the content of the complaint is also deemed exempt from disclosure under section 40 of the FOI Act, as detailed above.

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