

Reference: 01659908

Information Requests
information.requests@ofcom.org.uk

13 September 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning language used in guidance to identify Lesbian, Gay and Bisexual People. Your request was received on 16 August 2023 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act').

Your request & our response

Specifically, I would like to know if Ofcom has discussed updating its guidance on the language it uses to identify Lesbian, Gay, and Bisexual people since 2010 when the Equality Act was introduced.

Please note that this request relates to policy and regulatory matters only and does not pertain to staff or contractor matters.

Please provide the following information:

1. Notes and documents that provide a record of any discussions regarding the language used to identify Lesbian, Gay, and Bisexual people in Ofcom's policy and regulatory guidance. This may also include reference to LGBT, LGBTQ, LGBTQI+, and other variations.

2. The names and titles of individuals within Ofcom who were involved in these discussions.

3. Information on any external agencies that were involved in these discussions as advisors or consultants.

4. Whether an Equality Impact Assessment has been undertaken in line with the Equality Act 2010 and the public sector duty to:

a. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010;

b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Under Section 12 of the Freedom of Information Act ('the FOI Act'), Ofcom is not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the 'appropriate limit'. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'), and is, for Ofcom, £450. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour which equates to 18 hours of time. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it.

The very broad nature of this request as a whole would require a very wide and extensive search of our records and systems. Ofcom estimates that it would take at least 18 hours to search for, identify and retrieve any information which may be relevant to this request. As such the cost of complying with your request will exceed the appropriate limit. We have therefore been unable to fulfil your request under Section 12 of the FOI Act.

You may wish to consider a narrower, more focused request in relation to a particular matter, or should you have any specific queries in relation to any of our processes we would be happy to help in answering these. It may also be helpful to briefly explain how Ofcom undertakes its equality duties.

One of the ways in which Ofcom complies with its equality duties is by assessing the potential impact of all of our policy decisions before we make them. This is generally done by carrying out an Equality Impact Assessment ('EIA'), which examines the impact a particular policy is likely to have on specific groups of people, depending on their particular circumstances. You can find further information about our approach to impact assessments, including EIAs [here](#).

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