

Reference: 01789618

Information Requests
information.requests@ofcom.org.uk

4 April 2024

Freedom of Information request: Right to know request

Thank you for your request for information about public attitudes research.

We received this request on 6 March 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

We act for GB News and write in respect of our client's request for information in accordance with the FOI Act.

In June 2023, Ofcom commissioned research into public attitudes towards current affairs programs hosted by politicians, which was due to be published in December 2023 and has now been delayed (the "Public Attitudes Research").

Please provide:

- 1. Documents relating to the decision to commission the Public Attitudes Research including minutes, emails, memos and other documents;*
- 2. Details of the procedures adopted to ensure that the Public Attitudes Research was unbiased and was independent;*
- 3. Details of Ofcom's Public Attitudes Research methodology including details of any related analysis and/or procedures undertaken to produce the methodology;*
- 4. Groups of persons or organisations consulted to take part in the research and the process of selecting such persons or individuals;*
- 5. External advisors commissioned or consulted in respect of the research;*
- 6. Any documents relating to monitoring that forms part of the research; and*
- 7. Documents relating to the research and the conclusions from commencement until the date of this request.*

Our response

Ofcom holds information in response to question 1 of your request. This is the mini competition evaluation report which formed the basis of the decision to commission a third-party research agency, Ipsos MORI, to carry out research into audience attitudes to politicians presenting news and current affairs programmes, including providing a written report.

We consider that the information contained within the mini competition evaluation report falls within the exemptions set out in the following provisions of the FOI Act:

- section 22, as certain information is intended for future publication and it would be against the public interest to release the information at this time;

- section 43, as disclosure of certain information would, or would be likely to, prejudice the commercial interests of the research agencies referred to; and
- section 40, as certain information constitutes personal data and disclosure would contravene relevant data protection principles.

Sections 22 and 43 are qualified exemptions and we have had to balance the public interest in withholding the information against the public interest in disclosing it. The attached Annexes A and B set out the exemptions in full, as well the factors Ofcom considered when deciding where the public interest lay.

We also hold information in response to questions 2 to 5 and 7 of your request.

Ofcom considers that this information falls under the exemptions contained in sections 22 and 22A of the FOI Act. Under section 22, information is exempt from disclosure if it is intended for future publication and that it would be against the public interest to release the information at this time. Under section 22A, information obtained from a programme of research is exempt from disclosure if the programme of research is continuing with a view to the publication of a report of the research; and that disclosure of the information before the date of publication would or would be likely to prejudice the research programme, the interests of participants in the programme, or a public authority holding or intending to publish a report of the research.

Sections 22 and 22A are qualified exemptions and we have had to balance the public interest in withholding the information against the public interest in disclosing it. The attached Annex A to this letter sets out the exemptions in full, as well as the factors Ofcom considered when deciding where the public interest lay.

Ofcom does not hold information in response to question 6 of your request.

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

Annex A

Sections 22 and 22A: Information intended for future publication and research information

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.

Section 22A applies when a programme of research is continuing with a view to the publication of a report of the research; and disclosure of the information before the date of publication would or would be likely to prejudice the research programme, the interests of participants in the programme, or a public authority holding or intending to publish a report of the research.

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 22A may apply as long as the programme of research is still under way and there is an intention to publish a report of the research;
- Sections 22 and 22A are subject to a public interest test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Open policy making, transparency and public confidence in regulatory activities. 	<ul style="list-style-type: none"> • Ofcom intends to publish the requested information shortly. • The programme of research is still under way.

Reasons why public interest favours withholding information

- Ofcom is currently conducting audience attitudes research with third parties. It is in the public interest that Ofcom publishes the information requested when the report is finalised, otherwise the information may be inaccurate or incomplete and/or it may prejudice consideration of the issues.

Annex B

<p>Section 43(2) of the FOI Act provides that:</p> <p>Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).</p>	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none"> • Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and the nature of the services provided, and thereby increasing public confidence in Ofcom’s work. • Generally, there is a public interest in transparency of expenditure, especially if public money is involved. 	<ul style="list-style-type: none"> • Companies need to be confident that information relating to their business, such as information about them as an organisation or relating to their products or services, will not be disclosed if it would, or would be likely to, prejudice their commercial interests. • Ofcom continues to negotiate and require contracts like those related to this request. To release information that would enable the public to know the details and cost breakdown would put Ofcom in a detrimental position for future contract negotiations and would undermine its bargaining position with potential suppliers. In addition, to release such information could prejudice the commercial interests of the suppliers – in that it would provide details of the supplier’s commercial offerings to its competitors or potential clients.
<p>Reasons why public interest favours withholding information</p>	

- We consider that, on balance, the public interest in withholding disclosure of the requested information outweighs the public interest in disclosing the information.
- Ofcom enjoys a positive relationship with those companies it contracts with. The release of information which would, or would be likely to, prejudice commercial interests into the public domain would impair both Ofcom's relationship with providers of services, and adversely affect its commercial relationships with other contractors. If contractors could not be confident that such information provided by them to Ofcom would be withheld from disclosure, except in compelling circumstances, commercial activity may be impeded. Similarly, Ofcom's bargaining position, and therefore ability to obtain value for money in services it contracts for, may be undermined in future negotiations if detailed breakdowns about the contract and cost of these services were disclosed. These considerations go against the public interest in disclosing.
- Weighing the issues presented, it is considered that on balance, the factors for withholding some of the requested information outweighs those for disclosing the information.

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).