

Reference: 01815249

Information Requests
information.requests@ofcom.org.uk

24 May 2024

Freedom of Information request: Right to know request

Thank you for your further request for information concerning all information held by Ofcom in relation to the Balen report.

We received this request on 26 April 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your further request & our response

"please provide all information held by Ofcom in relation to the Balen report".

[REDACTED] we do not consider that we hold information in relation to the Balen report that falls within scope of your request. For completeness we note that the Balen report has been referenced in passing in a limited number of instances by individuals complaining to Ofcom or their MP about the BBC on a wider basis. The content of those complaints are exempt from disclosure under section 44 of the FOI Act, which exempts disclosure of information if another enactment prohibits it. In this case, section 393 of the Communications Act 2003 prohibits Ofcom from disclosing information which relates to a business obtained in the course of exercising its functions, such as our work in broadcast standards, unless Ofcom has the consent of that business or one of the statutory gateways to disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

We do however consider it would be helpful to provide the text of the letters that were sent to the relevant MPs following the complaints from their constituents. These are attached to this letter. We have redacted certain personal information as we consider that this information is 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 Act and does not require a public interest test.

Ofcom has not itself considered any complaints against the BBC concerning the Balen Report.

Yours sincerely,

Information Requests

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](#).