

Reference: 01823852

Information Requests
information.requests@ofcom.org.uk

20 June 2024

Freedom of Information request: Right to know request

Thank you for your request for information regarding the decision makers for a recent Ofcom decision relating to a broadcast on GB News.

We received this request on 22 May 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

"Regards the recent ruling of gbnews and the interview with the prime minister could you please forward to me the names of people who sat on the panel and what political party they are affiliated to."

Our response

We understand that your request relates to our [recent decision](#) on the *People's Forum: The Prime Minister* programme broadcast on GB News.

Ofcom's [published decision](#) on the programme, broadcast on GB News on 12 February 2024, sets out the full details of the scope of Ofcom's investigation. Our role was to determine whether the material complied with [the Ofcom Broadcasting Code](#) (the "Code"). We concluded that the programme as broadcast did not comply with Rules 5.11 and 5.12 of the Code for the reasons set out in the decision.

As per our [procedures for investigating breaches of content standards for television and radio](#), once Ofcom has received and considered the broadcaster's representations on Ofcom's preliminary view on the case, a panel of Ofcom's Content Board provide an advisory opinion before a final decision is taken. In accordance with these procedures, the decision on Ofcom's preliminary view in relation to this case was taken by a senior member of Ofcom's Executive with appropriate Board-delegated authority. The final decision that the programme was in breach of Rules 5.11 and 5.12 of the Code was taken by a senior member of Ofcom's Executive with appropriate Board-delegated authority, who had not been involved in the investigation or preparation of the preliminary view.

We are unable to provide details of the Content Board panel and the final decision-maker, as we consider this information to be exempt 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 UK General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the FOI Act and does not require a public interest test.

However, we can advise that Ofcom has a Conflict of Interests policy in place. All Ofcom colleagues must adhere to this policy and make annual attestations under this policy. This policy includes that it is essential for colleagues to carry out their roles in accordance with the seven principles of public life and governs participation in political activities or campaign/pressure groups. In addition, Ofcom's [Content Board Code of Conduct](#) states that Members of the Content Board must not engage in active politics. In relation to either the panel or the decision-maker for the decision which is the subject of your request, we do not hold any information to indicate that there has been a breach of applicable policies.

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

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](#).