

Reference: 01812554

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

10 May 2024

## Freedom of Information request: Right to know request

Thank you for your request for information about broadcast coverage of climate, energy and net zero.

We received this request on 24 April 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

### Your request

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*I am interested in the way Ofcom regulates broadcast coverage of (a) climate and (b) energy and Net Zero.*

*To that end, I would like to receive:*

*(i) copies of any policies or internal guidance or issued to operational staff that is specific to these fields.*

*(ii) copies of any internal correspondence specific to these fields.*

### Our response

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We do not hold any policies or internal guidance, issued to operational colleagues or otherwise, specific to the regulation of broadcast content of climate and/or energy and Net Zero.

All broadcast content must comply with the Ofcom [Broadcasting Code](#) (“the Code”). Complaints about broadcast content relating to climate, energy and Net Zero are dealt with in accordance with [Ofcom’s complaints procedures](#).

We note that paragraph 1.37 of Ofcom’s Guidance on Section Five of the Code<sup>1</sup> relating to due impartiality and due accuracy refers to Anthropogenic Global Warming as follows:

*In considering whether an issue is one of “political or industrial controversy” or has been broadly settled, broadcasters should consider relevant factors. These may include, as appropriate, independent reports commissioned by, for example, the UK Parliament and whether the issue has already been scientifically established and does not appear to be challenged by, for example, established political parties or other significant domestic or international scientific institutions. An*

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0023/283622/broadcast-code-guidance-section-5.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0023/283622/broadcast-code-guidance-section-5.pdf)

*example of an issue which Ofcom considered to be broadly settled is the scientific principles behind the theory of Anthropogenic Global Warming.*

All of Ofcom's decisions about broadcast content, including content which deals with issues relating to the climate, energy and Net Zero, are published in our Broadcast and On Demand Bulletin.<sup>2</sup>

Whilst we hold internal correspondence relating to the regulation of broadcast content concerning climate, energy and Net Zero, this correspondence relates to specific complaints made about broadcast content in respect of those matters. As such we are withholding this information as we consider that it is exempt under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under another enactment. The enactment that prohibits this disclosure is section 393(1) of the Communications Act 2003 (the "2003 Act"). Under this section, we are prohibited from disclosing information with respect to a particular business or businesses that has been obtained in the exercise of our regulatory functions, unless that business' consent or one of the statutory gateways for disclosure under section 393(2) of the 2003 Act is met, neither of which apply here. Section 44 of the FOI Act provides an absolute exemption and does not require a public interest test.

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) – quoting the reference number above in any future communications.

Yours sincerely,

## Information Requests

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### 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](mailto: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](#).

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<sup>2</sup> <https://www.ofcom.org.uk/about-ofcom/bulletins/broadcast-bulletins>