

Reference: 01812558

Information Requests
information.requests@ofcom.org.uk

21 May 2024

Freedom of Information request: Right to know request

Thank you for your request for information about the reasons for audience complaints about programmes broadcasting between January and March 2024.

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

“I am requesting information about the audience complaints you've received about the following programmes between Jan 2024 - March 2024.

Jan 2024:

Julia Hartley Brewer

Capital Breakfast with Roman Kemp

This Morning

Neil Oliver Live

Love Island: All Stars

Feb 2024:

People's Forum: The Prime Minister

Farage

Talk Today with Jeremy Kyle and Rosie Wright

This Morning

Piers Morgan: Uncensored

Martin Daubney

Dancing on Ice

Good Morning Britain

Julia Hartley Brewer

March 2024:

Hollyoaks

Farage

Celebrity Big Brother: Late and Live

Celebrity Big Brother

David Lammy

I request the explanations for these audience complaints to be provided (excluding any complaints with personal information about the audience member).

Whilst the number of complaints each programme received was listed (<https://www.ofcom.org.uk/about-ofcom/bulletins/audience-complaints>), the reasons for these complaints are not publicly available.

If they are available, please indicate where I can find them.

If you use a database to store these complaints, could you provide a list of the fields you use to categorise them?"

Background

By way of background, Ofcom assesses every complaint it receives. Based on an initial assessment of the complaint and a consideration of the related content, Ofcom will consider whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or license conditions). In cases where Ofcom considers there may have been a breach, it will launch an investigation. The possible outcomes of an investigation are that we judge an issue is in breach, resolved or not in breach of our rules.

The volume of complaints received may be a consideration in assessing general audience reactions, but it is not determinative as to whether Ofcom will proceed to investigate any given case. Rather, it is the particular issues which have been raised by the complainant(s) which are of primary concern in Ofcom's assessment of a programme.

[Ofcom's Broadcast and On Demand Bulletin](#) (the "Bulletin"), published every fortnight on our website, includes decisions about the complaints we have considered. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

Our response

Ofcom stores complaints in its complaints database using the following categorisation fields: complaint issue (categorised in relation to the relevant rules in the [Ofcom Broadcasting Code](#)), the programme, service, the name of the licensee, and transmission date/time.

In relation to the programmes listed in your request, further detail as to the content and nature of audience complaints, where this is not detailed in our decisions or in the Bulletin, is information we consider to be exempt from disclosure under section 44(1)(a) of the FOI Act. This section states that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. Ofcom is prohibited under section 393 of the Communications Act 2003 ('the Communications Act')

from disclosing information about a business which we have obtained in the course of exercising a power conferred, by among other legislation, the Communications Act, unless we have consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which applies here. Section 44 is an absolute exemption and therefore is not subject to a public interest test.

Please note that we have initiated an investigation into one of the programmes listed in your request: the LBC 97.3 FM programme dated 29 March 2024 (“David Lammy”). Further details on our investigation into this programme will be published on our Bulletin once concluded. Additionally, an Ofcom investigation into one of the programmes listed in your request, the GB News programme dated 12 February 2024 (“The People’s Forum: The Prime Minister”), has been concluded - please see the [news release](#) for further information.

I hope this information is helpful. 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](#).