

Reference: 1861214

Information Requests
information.requests@ofcom.org.uk

30 August 2024

Freedom of Information request: Right to know request

Thank you for your request for information about a complaint about a community radio station.

We received this request on 1 August 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

'I would like to know who made a complaint to OFCOM about [a community radio station] as I believe it may be a disgruntled or ex presenter making malicious complaints. I understand the complaint was made this year (2024) and is probably the only complaint the station has had.'

Our response

We are unable to provide the information requested. As your request seeks information about the identity of a complainant, 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, among other things, its disclosure would contravene any of the data protection principles in the UK 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.

We also consider that further information relating to the complaint, including the complaint wording, is also exempt from disclosure. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another 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 the Communications Act among others, unless we have the 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.

We 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](#).