

Reference: 02090371

Information Requests
information.requests@ofcom.org.uk

25 November 2025

Freedom of Information request: Right to know request

Thank you for your request for information about complaints related to trans issues and Ofcom trans staff. We note this is a follow up to this response: [Ofcom EDI and/or trans inclusive policy](#).

We received this request on 12 October 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act"). We contacted you on 10 November 2025 to say we needed more time to consider the public interest in disclosing or withholding some information – we have now concluded that.

Please note we are responding to your FOI Act questions in this letter. Under the FOI Act we are not obliged to provide a view or opinion to other content in your email dated 12 October 2025.

Your request and our response

1. Can I please also ask for any details related to this complaint made by the Good Law Project, and any associated complaints related to trans issues and these broadcasts
<https://goodlawproject.org/wp-content/uploads/2025/07/Good-Law-Project-Ofcom-Complaint-18.07.2025-1.pdf>

By way of background, complaints about broadcast standards are carefully assessed under the [Ofcom Broadcasting Code](#) ("the Code") which sets standards for programme content that all Ofcom licensees must follow. Individual complaints received by Ofcom are assigned to cases, and a case is opened when Ofcom is assessing a specific programme or issue and each case may consist of one or more complaints. In line with our published complaints [procedures](#), we review every complaint we receive to consider whether it raises potentially substantive issues under the Code which warrant investigation by Ofcom. If we consider that these standards may have been breached, we will investigate. You can find decisions about complaints we have considered in [Ofcom's Broadcast and On Demand Bulletin](#), published every fortnight on our website.

We are unable to disclose any further detail to that published in the Broadcast Bulletin as we consider that disclosure of this information is exempt under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 ("the Act") prohibits the disclosure of information about a particular business, such as broadcasters, which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

2. In fact, can I please request how many complaints have been made in the past 12 months that are complaining about transphobic views, and details of any registered breaches or enforcements issues related to those complaints. As far as I am aware Ofcom have taken no action against TalkTV for their transphobic hate, and I don't think they have in fact made any enforcement against any broadcaster in the past 12 months for broadcasting transphobic hate.

For complaints information for the last 12 months, this can be found in the Broadcast Bulletins – please filter to complaints logged with the issue “transgender discrimination / offence” in Bulletin issues 513 through to 532. In the year since 12 October 2024, we received 694 complaints (84 cases) logged under the issue “Transgender discrimination/offence”, each of which was carefully assessed, but we considered that these did not raise issues warranting further investigation under our rules.

We can confirm there are no standards investigation decisions under this category for 2025 to date and there were 966 complaints which were assessed but not pursued as they did not raise issues warranting further investigation.

However, you may find it helpful to note that we did conduct investigations arising as a result of complaints which related to transgender discrimination/offence prior to the last 12 months. In the past 10 years we have conducted 10 investigations in this area, of which 6 cases were found in breach of the Code or resolved, as below. Our published Decisions on these cases are available on our website under the relevant Bulletin issue:

Programme	Service	Transmission Date	Outcomes	Bulletin Number
Harry Hill's TV Burp	Dave	23/05/2016	Resolved	313
The Bigger Drive Home	City Beat Preston	08/06/2017	Breach	335
Q Breakfast Show	Q Radio Belfast	09/11/2017	Resolved	350
The Wright Stuff	Channel 5	15/03/2018	Resolved	355
Sheffield In Focus	Sheffield Live	31/07/2018	Breach	371
Paul Ellery in the Morning	Sunshine Radio	16/09/2019	Breach	402

3. Can I also request details of any emails or meetings held with any trans support groups such as transactural, good law project, and any anti trans groups such as sex matters.

We note you have not provided a date range for this question. To be helpful we have proceeded on the basis of looking at the last 12 months and our searches have focussed on broadcasting matters. Please note, we have taken a broad approach to our search but this should not be taken as providing any comment on the terminology you have used in the question.

We hold correspondence with Good Law Project however we consider that the information held is exempt from disclosure under Section 44 of the FOI Act, as under question 1.

We also hold correspondence with Seen in Journalism and the substance of the discussion is in the public domain, namely:

- Broadcasters are bound by section 5 of the Broadcasting Code and Ofcom can take enforcement action against them if they breach the rules;
- We are not a pre-broadcast regulator and do not influence the content of news broadcasts;

- We do not issue definitive guidance on the language around gender identity or sex-based rights;
- The Supreme Court judgement may be a relevant consideration in a particular case but each case is decided on its merits, and
- We usually update our Offensive Language research every 5 years.

The documents we hold for correspondence with Seen in Journalism are exempt from disclosure under section 36 of the FOI Act. In particular, sections 36(2)(b)(ii) and (c) of the FOI Act provide that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information –

- Would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, or
- Would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in Annex B to this letter. In Annex A of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

4. Can I also request how many staff there are at Ofcom, and how many are transgender.

You can find data on staff numbers in our Annual Reports. We do not hold information on the number of staff who are transgender.

Yours sincerely,

Information Requests

Freedom of Information: Right to know request

Section 36 exemption

The information we hold that falls within the scope of your request is being withheld as it falls under the exemption in section 36(2) of the Freedom of Information Act 2000 (the Act). I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section. The limbs of section 36 that apply here are:

- (2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—
 - (b) would, or would be likely to, inhibit—
 - (i) the free and frank provision of advice, or
 - (ii) the free and frank exchange of views for the purposes of deliberation, or
 - (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs

In my reasonable opinion, disclosure of the information requested would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

Set out in Annex B is the exemption in full, as well as the factors that were considered when deciding where the public interest lay in relation to the information concerned.

If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Signed: Corporation Secretary

Date: 25 November 2025

Section 36: Prejudice to Effective Conduct of Public Affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- a. inhibit the free and frank provision of advice,
- b. inhibit the free and frank exchange of views for the purposes of deliberation; or
- c. prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the **reasonable view of a "qualified person"**, disclosure of the requested information would have one of the specified effects.
- The application of section 36 is subject to a public interest balance.

Factors for disclosure

- Open policy making may lead to increased trust and engagement between stakeholders and regulators; and
- The desirability of stakeholders being confident that decisions are taken on the basis of the best available information.

Factors for withholding

- Disclosure of this information would be likely in future to discourage the free and frank provision of information from stakeholders and inhibit the free and frank exchange of views for the purposes of informing Ofcom's approach towards its regulatory activities and this in turn would prejudice the effective conduct of Ofcom's affairs.

Reasons why public interest favours withholding information

- Allowing for a regulatory environment in which parties will provide information freely and openly is to be encouraged because it allows for the more effective use of limited Ofcom resources. Encouraging co-operation between Ofcom and its stakeholders is important to the effective conduct of public affairs. Stakeholders will be less likely to engage openly with Ofcom if it is considered that their comments will be made public through an FOI process. In this case the public interest in disclosure of Ofcom's comments is very limited because its position is already in the public domain and is summarised in the cover letter.
- The disclosure of the information requested would not further the public interest but rather may hinder it because of the detriment it would have on Ofcom's ability to effectively carry out its work.

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](#).