

Reference: 02100627

Information Requests
information.requests@ofcom.org.uk

18 December 2025

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom and DCMS correspondence regarding GB News.

We received this request on 4 November 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”). We wrote to you on 2 December 2025 to say we needed more time to consider withholding or disclosing some information – we have now concluded this.

Your request

“Please provide copies of any correspondence between officials, ministers or representatives from the Department for Culture, Media and Sport and Ofcom which referenced GB News in relation to:

- i. Ofcom's proposed amendment to rule 5.3 of its broadcasting code*
- ii. GB News' legal case against Ofcom which was ruled on by Mrs Justice Collins Rice in February 2025*

For the purposes of this request, "correspondence" should be taken to include (but not be limited to) letters, emails, meeting notes, minutes, or records of phone calls and discussions.

To narrow the scope of the request, this should cover the period from 5 July 2024 to the present date.”

Our response

We can confirm that we do hold information in scope of your request.

We have attached the following:

- an email chain between Ofcom and DCMS on 4 November 2024 (we have redacted personal information);
- an email from Ofcom to DCMS on 29 January 2025 (we have redacted personal information and information that is not in scope of your request); and
- an email chain between Ofcom and DCMS on 3 March 2025 (we have redacted personal information and information that is not in scope of your request).

The personal information has been redacted pursuant to 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. This includes the principle that personal

data must be processed fairly and lawfully. Section 40(2) is an absolute exemption under the FOI Act and does not require a public interest test.

We also hold an email dated 12 September 2025 from Ofcom's Chief Executive to a small number of senior Ofcom colleagues, in which she summarises a conversation she had with DCMS about several matters, including Ofcom's consultation on Rule 5.3. We are unable to disclose this email as we consider that this information is exempt from disclosure under section 36 of the FOI Act. In particular, sections 36(2)(c) of the FOI Act provides 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 otherwise prejudice, or would be likely otherwise to 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 email 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.

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](#).

Annex A

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 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.

In my reasonable opinion, disclosure of the information requested would, or would be likely to, prejudice the effective conduct of public affairs. In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in Annex B the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned.

Date: 18 December 2025

Corporation Secretary

Annex B

Section 36: Prejudice to effective conduct of public affairs

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

- inhibit the free and frank provision of advice,
- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise 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.
- In this case, it is considered that disclosure would, or would be likely to, otherwise prejudice the effective conduct of public affairs.
- The application of section 36 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • We recognise the strong public interest in transparency around Ofcom’s regulatory activities, including our communications with external stakeholders such as Government. This is particularly relevant in relation to matters of broadcast standards enforcement (given recent regulatory action involving GB News and an associated legal challenge) and broadcast standards policy, such as our consultation and statement on Rule 5.3 of the Broadcasting Code. 	<ul style="list-style-type: none"> • The information being withheld consists of an internal email from Ofcom’s Chief Executive to a small number of senior Ofcom colleagues summarising a conversation with DCMS about several matters, including our consultation on Rule 5.3. Senior members of staff need to be able to brief colleagues on stakeholder interactions and express their views on how discussions went without concern that these internal reflections will be disclosed. Disclosure of such candid internal communications would likely prejudice the effective conduct of public affairs. • It is also vital that Ofcom and DCMS have the freedom to ensure that there is a clear understanding of each other’s public positions given their respective roles, and disclosure of read-outs of these conversations could inhibit free and frank discussion. • Ofcom has already published detailed information on our regulatory action relating to GB News, an associated legal challenge and our decision statement on

	<p>Rule 5.3 on our website – see footnote for examples¹. The email does not add significant value to the public debate beyond what is already available.</p> <ul style="list-style-type: none"> • We consider that disclosing this correspondence would likely prejudice Ofcom’s ability to conduct its regulatory functions effectively.
<p>Reasons why the public interest favours withholding information</p>	
<ul style="list-style-type: none"> • We consider that, on balance, the disclosure of the information is likely to prejudice the effective conduct of public affairs, due to the reasons set out on the right above. • Whilst there may be some weight attached to the public interest in disclosing, having considered the information we have already published on our work around GB News and Rule 5.3 on our website, we consider that, on balance, the public interest here favours withholding disclosure. 	

¹ All our decisions, including those regarding GB News, are published in our Broadcast and On Demand Bulletin: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/broadcast-bulletins>
Our public statement on the judgment in GB News’ legal challenge to two of Ofcom’s decisions is here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/ofcom-statement-in-response-to-high-court-judgment-gb-news-v-ofcom>
Our statement on Rule 5.3 and the consultation responses we received, including one from GB News, is published here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/consultation-politicians-presenting-news>