

# Ofcom Broadcast and On Demand Bulletin

## Note to broadcasters

### Retention and production of recordings

In each broadcaster's licence, there are 'Retention and production of recordings' conditions requiring the licensee to retain recordings of their content as broadcast for a specific number of days after it is aired, and to comply with any request by Ofcom to produce those recordings.

The requirement for licensees to retain recordings of their broadcast output is fundamental to Ofcom's ability to carry out its statutory duties in regulating broadcast content. If a licensee fails to retain recordings or produce them to Ofcom upon request, Ofcom is prevented from assessing the licensee's compliance with its Licence Conditions (under the General Procedures) and with content rules, such as the Broadcasting Code.

We remind licensees that the licence condition refers to recordings of "the Licensed Service's broadcast output", which means the output **as broadcast on the licensed service**. Recordings of a separate online stream, or the pre-broadcast output, such as from a studio production computer, do not comply with this condition.

In this Bulletin we are publishing five cases concerning retention and production of recordings. Ofcom is concerned about the volume of licensees who are not complying with these conditions. **Licensees should note that we consider such breaches to be significant because they affect our ability to carry out our regulatory functions, and may result in us taking further regulatory action. This could include the consideration of the imposition of a statutory sanction, such as a financial penalty.**