

Reference: 01449994

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Freedom of Information request: Right to know request

Thank you for your request for information for the complainant's name which led to the first review of Shoreline FM's key commitments. Your request was received on 27 April 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

Your request

You asked:

We would appreciate details, via a Freedom of Information request, of the complainant's name which led to your first review of Shoreline FM's key commitments.

Background

We understand your request relates to a complaint sent to us in September 2021 about the service formerly known as Shoreline FM, and since 7 March 2022 is known as Cinque Ports Radio. Following Ofcom's investigation into the complaints raised in the letter and of the service, we found the service in breach of Conditions 2(1) and (4), and 8(1), (2)(a) and (2)(b) of its Community Radio licence. Our investigation was reported in [Issue 443 of Ofcom's Broadcast and On Demand Bulletin](#) on 24 January 2022.

Our response

We consider that the information you have requested, which is personal data, is exempt from disclosure under section 40(2) FOI Act, which provides that personal data which relates to persons other than the requester is exempt where, amongst 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. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the FOI Act and is not subject to a public interest test.

We also consider that other exemptions under the FOI Act would also be applicable in this case, such as section 44, which exempts disclosure if it would be prohibited under other legislation. In this case, the information is about a particular business (i.e. Shoreline FM/Cinque Ports Radio), and we would therefore be prohibited from disclosing it under section 393(1) of the Communications Act 2003,

unless we had the consent of the business or releasing the information helps Ofcom to carry out its duties.

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

Zach Westbrook

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF