

Reference: 01732233

Information Requests
information.requests@ofcom.org.uk

20 December 2023

Freedom of Information request: Right to know request

Thank you for your request concerning all broadcasting complaints ever. Your request was received via our external communications team on 30 November 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

“I am after broadcast complaints in the first instance: but what else do you have out of interest?

I did see the link you provided, but I am trying to get a much more holistic view of all complaints ever. Therefore I would like to get access to the spreadsheet that powers those tables. Ideally, in terms of columns I'd like to get:

- 1. the name of the TV station (although I think your data covers radio also?)*
- 2. the name of the programme*
- 3. date programme aired*
- 4. nature of complaint*
- 5. number of complaints*
- 6. whether or not the complaint was pursued by OFCOM*
- 7. outcome where pursued by OFCOM*
- 8. link to original complaint”*

Our response

We consider that providing the information requested on “all complaints ever” will take a considerable amount of time and we are not obliged to comply with the request – we explain this further below. However you may wish to know that some of the Information you have requested is publicly available and searchable via our [Broadcast and On Demand Bulletin](#) webpage. This bulletin does not contain information on question 8 and will only show bulletins in the recent years.

Under Section 12 of the FOI Act, Ofcom is not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the ‘appropriate limit’. The

appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'), and is, for Ofcom, £450. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it.

Ofcom estimates that it would take over 18 hours to search for information stored across multiple, individual spreadsheets, to locate, identify, retrieve and extract the requested information, over the years since Ofcom started. As such the cost of complying with your request will exceed the appropriate limit.

You may wish to consider submitting a narrower, more focused request, for example by setting a limited date range. However, in the event that you do submit a further request, please note that other disclosure exemptions under the FOI Act may apply - for example, should you ask for original complaints, this information would likely be exempt from disclosure pursuant to section 44 of the FOI Act. Section 44(1)(a) of the FOI Act exempts the disclosure of information where disclosure is prohibited by another enactment and Ofcom is prohibited under section 393 of the Communications Act 2003 from disclosing information which relates to a business which we have obtained in the course of exercising our functions in relation to broadcast standards, unless we have the consent of that business or one of the statutory disclosure gateways under section 393(2) of the Communications Act 2003 is met.

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

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