

Reference: 01647280

Information Requests
information.requests@ofcom.org.uk

28 July 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's standards' decision on Andoh Adjoa's racist comment. Your request was received on 14 July 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

'I am still not satisfied with this reply as a personal view is also a racist view, I would like to know where I can appeal this decision? As a panel member that day she had a responsibility to the audience not to be racist. I await to hear and I would still like to see the information surrounding this decision as a FOI application.'

Our response

Before responding to your request, we would like to provide some background information on Ofcom's complaints procedures and reporting.

Complaints about Ofcom licensed services are handled in line with our [published procedures](#) for handling complaints, investigations and sanctions on TV, radio and video-on-demand services.

Ofcom assesses every complaint it receives. Based on an initial assessment of the complaint and a consideration of the related content, Ofcom will consider whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or licence conditions). In cases where Ofcom considers there may have been a breach, it will launch an investigation. The possible outcomes of an investigation are that we judge an issue is in breach, resolved or not in breach of our rules.

Ofcom's Broadcast and On Demand Bulletin (the "Bulletin"), published every fortnight on our website, includes decisions about the complaints we have considered. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. The Bulletins can be accessed via [our website](#).

Although complainants play an important role in helping Ofcom to understand whether a broadcaster may be in breach of the Broadcasting Code and each complaint is logged and

acknowledged, Ofcom's task is to determine the question of whether there was a breach as a matter of objective fact, rather than an adjudication of the concerns of individual complainants.

Turning to your request to see the information surrounding the decision, we have recently responded to two similar requests, which can be found here:

[Update on the Adjoa Andoh investigation](#)

[Adjoa andoh's comment during the coronation of Charles III](#)

We are unable to provide further details on the decision, as this information is exempt from disclosure under Section 44 of the FOI Act, which inhibits disclosure of information if another enactment prohibits it. In this case, section 393 of the Communications Act 2003 prohibits Ofcom from disclosing information which relates to a business obtained in the course of exercising its functions, such as our work in broadcast standards, unless Ofcom has the consent of that business or one of the statutory gateways to disclosure under section 393(2) is met, neither of which applies here. In this case, the business is ITV. Section 44 is an absolute exemption and does not require a public interest test.

There is no right of appeal against the substance of our decision in this case. However, if you wish to complain about how your case has been handled, please refer to the [Complaints about Ofcom](#) page on our website.

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