

Reference: 01679399

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

24 October 2023

### Freedom of Information request: Right to know request

Thank you for your request for information concerning complaints about a GB News broadcast featuring Laurence Fox. Your request was received on 27 September 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

#### Your request

- 1. How many complaints were received for GB News broadcast on 26/9/23 at 9pm with Laurence Fox as a guest*
- 2. The reason for the complaints*

*Please could you provide the reasons in a table with the key word/phrase and the number of times it occurred.*

#### Background

By way of background, 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 Bulletin](#) can be accessed on our website.

The volume of complaints received may be a consideration in assessing general audience reactions, but it is not determinative as to whether Ofcom will proceed to investigate any given case. Rather, it is the particular issues which have been raised by the complainant(s) which are of primary concern in Ofcom's assessment of a programme.

## Our response

As published in Ofcom's [Audience complaints report](#) on 4 October 2023, Ofcom has received a total of 8,846 complaints about this episode.

Complaints related to on-air comments made by Laurence Fox regarding journalist Ava Evans. [Ofcom has launched an investigation](#) into this episode of *Dan Wootton Tonight* under Rule 2.3 of the Broadcasting Code, which states that, in applying generally accepted standards, broadcasters must ensure that material which may cause offence is justified by the context.

We are unable to disclose additional information about the reasons for these complaints as we consider that disclosure of this information is exempt under section 44 of the FOI Act. Section 44 of the FOI Act exempts the disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 from disclosing information which relates to a business (in this case, GB News), which we have obtained in exercising our powers, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto: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](mailto: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