

Reference: 01672042

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

16 October 2023

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

Thank you for your request for information concerning documentation relating to Ofcom's investigation into the GB News programme presented by Philip Davies and Esther McVey. Your request was received on 18 September 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

#### Your request

*I would like to make a FOI request relating to your report today on the GB News programme presented by Philip Davies and Esther McVey which interviewed Jeremy Hunt last March.*

*Under FOI legislation, please can you send me a copy of ALL documentation relating to this Ofcom inquiry.*

#### Our response

By way of background, on 18 September 2023 Ofcom published its decision on the investigation into an episode of *Saturday Morning with Esther and Phil*, which aired on GB News on 11 March 2023. As reported on [Ofcom's News Centre](#), this episode was found to be in breach of due impartiality rules. Further information on Ofcom's investigation and decision is reported in this [Broadcast and On Demand Bulletin](#) (issue 481, 18 September 2023).

While we do hold further documentation relating to this investigation, we are unable to provide this 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 (such as 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