

Reference: 01691472

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

31 October 2023

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

Thank you for your request for information concerning the handling of your GB News complaint (case 01354728). Your request was received on 4 October 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

#### Your request

*With GB News making the headlines at the moment, I was reminded about a complaint I submitted on 16 September 2021 which was not replied to, despite it raising a serious editorial breach issue in relation to a total lack of your required separation between advertising and editorial output (your Complaint Reference number is: 01354728). As such, I now request via the FOIA information about the handling of this complaint, ie the information you hold showing what was done with it, what action was taken by whom and when etc, and why I wasn't replied to at the time, and what if any contact was made with GB News on the matter.*

#### Ofcom’s broadcasting complaints processes

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

In line with our [published complaints procedures](#), Ofcom does not as a matter of course write back to individual complainants to explain the outcome and the reasoning behind its decisions, but all complaints are logged and acknowledged, and decisions are published on our website.

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.

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 on our website [here](#).

## Our response

We can confirm that Ofcom received your complaint on 16 September 2021 and after careful assessment of your complaint, the programme, and the specific comments you identified, we did not consider the material raised issues warranting investigation under the Ofcom's Code on the Scheduling of Television Advertising.

In accordance with our procedures, that decision was published in the Standards section for complaints assessed and not pursued on our [website](#), in Bulletin issue 436 on 11 October 2021.

We hold internal records related to Ofcom's consideration of your complaint. However, we are unable to provide this information to you as we consider it to be exempt from disclosure pursuant to section 44 of the FOI Act. This is because 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 the course of exercising our functions in relation to broadcast standards, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act 2003 is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

Decision details are available as published in the Bulletin. For ease of reference a screenshot of the entry for your complaint is below:



**Ofcom** Broadcast and On Demand Bulletin

### Standards complaints assessed, not pursued

Here is a table of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. To sort the complaints, click on the header you'd like to sort by.

Service	Programme	Transmission Date	Issue	Complaints
GB News	GB News	14 June 2021	Advertising distinction	1

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Given that Ofcom's initial assessment of your complaint did not identify grounds to pursue, Ofcom did not notify the broadcaster or programme participants, and holds no correspondence with those parties.

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