

Reference: 01768454

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

16 February 2024

## Freedom of Information request: Right to know request

Thank you for your request for information for the reasoning around the decision about complaints concerning Jordan Gray on *Friday Night Live* C4 21 Oct 2022. This request was received on 19 January 2024 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

### Your request

In a follow-up query to [FOI 01763235](#), you asked:

*“I'm writing again to ask for information on the detailed reasoning that illuminates why OFCOM assessed that Jordan Gray's performance did not meet the threshold for investigation. The information you have sent me merely records the outcome not to investigate but does not explain the reasoning behind this. Under the FOI Act, I request all information relating to how this decision was arrived at by OFCOM, including any notes made by the officer(s) who looked into the incident. Someone looked into this incident and reached the decision they did, and must have produced some form of official documentation setting out their reasoning, but you have not provided me with anything other than the eventual outcome, which was already known.”*

### Our response

Whilst we hold information in scope of your request, this is being withheld under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003 (“the Communications Act”). Under this section, we are prohibited from disclosing information with respect to a particular business (in this case, Channel 4) that has been obtained in the exercise of our regulatory functions, unless that business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the public interest test.

While we are withholding the aforementioned information, we can inform you that this decision took into consideration the fact that audiences would have likely expected controversial humour from this one-off special reviving an alternative comedy series. Additionally, we took account of the time of the broadcast which came more than an hour after the watershed and the advance on-air warnings about the programme containing very strong language and adult humour.

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