

Reference: 01740527

Information Requests
information.requests@ofcom.org.uk

19 January 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's Community Radio Fund Report and the names of staff. Your request was received via our Community Radio Fund Team on 17 December 2023. We sought clarification of your name for the request on 20 December 2023 and this was received on the same day. We have considered your request under the Freedom of Information Act 2000 (the "FOI Act").

Your request

"Can I now formally ask for a copy of the public portion of the Revolution Radio Community Radio Fund report."

On 20 December 2023, in response to an email sent to you by the Information Requests team (seeking your name for the request) you also asked:

"Can I please have your name, and the names of everyone I've been speaking to."

Our response

We publish [the end of year grant report](#) on our website, which provides a summary of the reporting process. As explained in our [guidance notes](#) for grant reports, grant recipients should publish (e.g on their station websites) a non-confidential version of the grant report – therefore Revolution Radio should publish their report in due course. Here is their website: [Revolution Radio](#)

Whilst we do hold the grant report, we are unable to disclose this information under this FOI request. 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 that relates to a business which we have obtained in exercising our functions, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) of the Communications Act 2003 is met. Neither of these exceptions apply here. Section 44 of the FOI Act is an absolute exemption from disclosure and does not require a public interest test.

We are unable to provide the personal names of Ofcom staff that you have been communicating with in the Community Radio Fund and Information Requests teams as we consider that these are

exempt from disclosure under section 40 of the FOI Act. Section 40 provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the Act and does not require a public interest test.

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