

Reference: 1947391

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

21 February 2025

## Freedom of Information request: Right to know request

Thank you for your request for information for the raw data for *The Traitors*.

We received this request on 24 January 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

### Your request

---

*Please can you release the raw data you have for The Traitors for Ofcom's regional production criteria under Freedom of Information:*

*Please can I have as many details as possible about:*

- 1. The substantive base.*
- 2. The percentage of the production talent by cost outside the M25.*
- 3. The percentage of production spend outside the M25.*

*Please can you release this data for as many series of The Traitors you have data for.*

### Our response

---

#### Background

The Regional Production and Programming quota obligations (often referred to as Made Outside London quotas) are a key part of our substantial programme of work to support the UK production sector. In 2019 we concluded a sizable review of the Regional Production Regime, which included both a [Call for Evidence](#) and a [Consultation](#) on our Guidance for Broadcasters. As a result, we strengthened the Guidance criteria that define a Regional Production. We also added detailed information about the aims of each of the criteria and how they should be applied, to better reflect the intention behind them and to aid stakeholders’ interpretation and application of the criteria. Additionally, we increased reporting requirements and monitoring, including reasonable and proportionate ad-hoc spot checks, and added an easy-to-use process for reporting concerns about a production’s regional status. The updated Guidance has applied since 2021 and is available [here](#).

The Made Outside London programme titles register comprises a list of all qualifying first-run UK-originated titles broadcast over the full previous calendar year. For example, the register published in July 2024 covers programmes broadcast throughout 2023.

Turning to your request to: “release the raw data you have for *The Traitors* for Ofcom's regional production criteria under Freedom of Information...[including] as many details as possible about: 1. The substantive base, 2. The percentage of the production talent by cost outside the M25, 3. The percentage of production spend outside the M25.”

In August 2023 Ofcom published its annual Made Outside London programme titles register 2022. This showed that *The Traitors - series 1* (made by Studio Lambert Limited) qualified as a regional production allocated to Scotland on the basis of meeting two criteria (substantive base and talent) in Scotland.

In December 2024, following a spot check on *The Traitors - series 1*, the Made Outside London programme titles register 2022 was updated to show that *The Traitors - series 1*, consisting of 12 episodes, qualified as a regional production allocated to Scotland on the basis of meeting two criteria outside the M25. Firstly, substantive base (in Scotland) and secondly talent (outside the M25). It did not meet the criteria for production spend. The thresholds for these criteria are set out in our Guidance. We have verified the underlying data and confirmed that the appropriate thresholds were met. As set out in our Guidance, in cases where the substantive base is met and only one other criterion is met elsewhere outside London, a majority location attribution is not possible, and so the title will be allocated to the substantive base area – in this instance Scotland. (NB: Where there is no majority location for the talent and spend criteria the title will receive a multi-region allocation.)

While we do hold additional information connected to your request in relation to the data submitted by the BBC and the additional spot check we carried out for *The Traitors - series 1*, we consider that disclosure of this information is exempt under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another enactment. Ofcom is prohibited under section 393 of the Communications Act 2003 (‘the Communications Act’) from disclosing information about a business (in this case, each of the BBC and Studio Lambert Limited) which we have obtained in the course of exercising a power conferred by the Communications Act among others, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which applies here. Section 44 is an absolute exemption and therefore is not subject to a public interest test.

As with all Public Service Broadcaster (“PSB”) quotas, the Regional Production obligations are annual calendar year quotas. Broadcasters have until the end of March in the following year to compile and submit compliance data to Ofcom for all required PSB quotas. This data is then published later in the year. As *The Traitors - series 2* was not broadcast until 2024 while we hold some data connected to *The Traitors - series 2*, we are yet to receive, check and publish the final relevant data for the second series of this title. Again, we consider that disclosure of the information we hold about *The Traitors - series 2* is exempt from disclosure under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another enactment. Ofcom is prohibited under section 393 the Communications Act from disclosing information about a business (in this case, each of the BBC and Studio Lambert Limited) which we have obtained in the course of exercising a power conferred by the Communications Act among others, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is

met, neither of which applies here. Section 44 is an absolute exemption and therefore is not subject to 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

### **Request an internal review**

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

### **Taking it further**

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).