

6 January 2012

Adam Burton

Complaints Analysis and Tracking
Content, International and Regulatory
Development (CIR)

Matthew Davis

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information.requests@ofcom.org.uk

Dear Mr Davis

Freedom of Information: Right to know request

Thank you for your request for information asking for all the correspondence Ofcom holds that relates to investigations/queries/letters/emails between us and the producers (or the school at the centre) of *Educating Essex* to ensure that the programme makers had complied with the Ofcom Broadcasting guidelines.

We received this request on 7 December and considered it under the Freedom of Information Act 2000.

In relation to your request, Ofcom is a post broadcast regulator and our remit does not extend to involvement in programme making. We set standards as detailed in the Broadcasting Code (<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code>) (the "Code") but it is up to broadcasters (and producers) to ensure that programmes are broadcast within those standards and provide appropriate protection for viewers. In addition guidelines are published to assist broadcasters in their consideration of younger participants to those programmes:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf>

Therefore the producers (and ultimately the broadcaster) would not have liaised directly with Ofcom pre-broadcast and therefore no information is held in this regard.

In relation to any correspondence regarding investigations post broadcast, Ofcom is unable to provide this information as it falls under section 44 of the Act. Under this section information which we hold on this subject is exempt from disclosure since it was shared with us under our regulatory power and disclosure is prohibited under section 393(1) of the Communications Act 2003. Section 44 is an absolute exemption under the Act and does not require a public interest test.

I hope this information is helpful, if not then please feel free to contact me and I'll be more than happy to pass you on to one of our experts on your subject, who should be able to

provide more detail. Please quote the reference number above in any future correspondence as this will help us to deal with your query more quickly.

Yours sincerely,



Adam Burton

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

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 undertaking 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 exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Graham Howell
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

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. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF