

Reference: 1-170088275

29 March 2011

By email

Mr Mark Salter
request-63744-8609b10a@whatdotheyknow.com

Mark Walls
Director of Spectrum Engineering &
Enforcement

information.requests@ofcom.org.uk

Dear Mr Salter,

Freedom of Information: Right to know request

Thank you for your request for information asking for **Ofcom planning for handover of interference complaints handling to the BBC** which Ofcom received on 28 February 2011 and has considered under the Freedom of Information Act 2000 (the Act).

You asked:

To understand this change, the planned and predicted:-

- *benefits*
- *cost savings*
- *efficiencies*
- *processes*

I formally request sight of all documents the Ofcom produced, received and now holds relating to this process revision and change of responsibilities, specifically :-

- a) All documents sent from Ofcom to third parties.*
- b) All documents received by Ofcom from third parties.*
- c) All documents produced for Ofcom.*
- d) All minutes produced from related meetings*
- e) Documents defining the criteria for and procedure of case escalation from the BBC to Ofcom.*
- f) Details of any regulatory duties that have been delegated by Ofcom to the BBC, for each duty, please also provide a link to or include the documentation defining associated legislation.*

I am writing to confirm that Ofcom has now completed its search

In answer to your sections a, b, c, d & e please find attached the following two documents:

1. An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation: Dated July 2006¹
2. Heads of Agreement: Dated 28 June 2010

Ofcom also holds the BBC letter terminating their agreement with Ofcom for provision of the Radio Investigation Service on 1 April 2010: Dated 16 June 2008. We are unable to disclose this document without the consent of the BBC. We have written to the BBC but have yet to receive their consent. Should they consent we will get back to you with this information.

With regards to your section f, Ofcom has not passed nor relinquished any of its regulatory duties to the BBC.

Please ensure that when using the provided information in any way, you comply with all relevant legislation. For example, the information provided may be protected by copyright under the Copyright, Designs and Patents Act 1988 (as amended). If in doubt, please seek independent legal advice. For Ofcom's policy on copyright and related issues, please refer to <http://www.ofcom.org.uk/disclaimer>.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Mark Walls

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

¹ This is also available on the BBC website here:

http://www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/charter_agreement/bbcagreement_july06.pdf

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