

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 September 2023

Public Authority: Channel Four Television Corporation
Address: 124 Horseferry Road
London
SW1P 2TX

Decision (including any steps ordered)

1. The complainant requested information from Channel Four Television Corporation (Channel 4) relating to conflicts of interest.
2. The Commissioner's decision is that Channel 4 complied with section 17(1) of FOIA. He does not require Channel 4 to take any steps.

Request and response

3. The complainant made the following information request to Channel 4 on 29 November 2022:

"The Code of Conduct you recently released under FOI references a 'central corporate register' on which all conflicts of interest are recorded.

Please could you provide information regarding any conflicts of interests recorded on this register for any staff that have had responsibility for commissioning in your Features and Formats department in the last 5 years. Please note, this would include any conflicts of interests declared by such individuals before that period.

For any such conflict of interest, please could you provide any documents or information relating to Channel 4's assessment of issues arising from that conflict of interest, and any safeguards put in place to prevent such issues arising."

4. Channel 4 responded on 23 December 2023 and provided some information within the scope of the request. However, it also refused to provide some information citing section 40(2) (personal information) of the FOIA. On the same date, the complainant requested an internal review.
5. Channel 4 provided the complainant with the outcome of its internal review on 26 January 2023. It maintained its reliance on section 40(2) of the FOIA to refuse to provide some information. However, it also stated that it was now relying on section 14(1) (vexatious request) of the FOIA to refuse the request.
6. On 27 February 2023, Channel 4 provided the complainant with further information which falls within the scope of the request. However, the Commissioner understands that this information was provided to the complainant in response to a separate complaint and not under FOIA in response to the request. Channel 4 confirmed to the Commissioner on 9 March 2023 that it is still relying on section 14(1) to refuse the request.

Scope of the case

7. The complainant contacted the Commissioner on 11 February 2023 to complain about the way their request for information had been handled.
8. The complainant initially stated that they wanted to complain about Channel 4's application of section 14(1) to their request. However, during the course of the Commissioner's investigation, the complainant amended their grounds for complaint.
9. Following receipt of Channel 4's response to their complaint, the complainant informed the Commissioner that they no longer wished to challenge Channel 4's application of section 14(1) to their request. However, the complainant stated that they were dissatisfied with the length of time it took Channel 4 to respond to their request.
10. Therefore, the scope of this case and the following analysis is to determine whether the Council has breached section 17(1) of FOIA.

Reasons for decision

11. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

12. Section 17(1) of FOIA states that

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.

13. The Commissioner notes that the complainant considers Channel 4 to have breached FOIA by providing some information within the scope of the request after 20 working days.

14. Whilst the Commissioner recognises that Channel 4 disclosed some information to the complainant after 20 working days, this information was provided in response to a separate complaint rather than in response to the complainant's request for information.

15. The Commissioner is satisfied that Channel 4 provided the complainant with an adequate refusal notice within 20 working days of receipt of the request and so his decision is that Channel 4 has complied with its obligations under section 17(1) of FOIA.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Ben Tomes
Group Manager
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