

29 August 2026

Dear Sir or Madam,

FOI reference 02205482 – request for internal review

I am writing to request an internal review of Ofcom's response dated 26 June 2026 to my Freedom of Information request concerning the Making Sense of Media programme.

I appreciate that your letter asked me to seek a review within two months. Unfortunately, Ofcom's response was diverted automatically into my email spam folder and I did not discover it until 28 August. I have acted immediately on discovering it. Unlike Ofcom, I do not have administrative staff to assist me.

I would therefore be grateful if Ofcom would exercise its discretion to accept this request notwithstanding the very short delay. The delay was inadvertent and arose solely because the response was diverted into spam. The request also concerns transparency surrounding a substantial and expanding programme undertaken pursuant to Ofcom's statutory media-literacy responsibilities.

I request review of Ofcom's responses to questions 1, 4 and 5.

1. Organisations participating in or associated with the MSOM network

My request was:

"A list of organisations that are currently members of, participants in, or formally associated with the Making Sense of Media network."

Ofcom did not provide such a list.

Instead, the response stated that approximately 700 individuals are signed up to the network and then refused to disclose their names under section 44 FOIA, by reference to section 393(1) of the Communications Act 2003.

This does not appear to answer the question I asked. I did not ask for the names, contact details or other personal information of the approximately 700 individuals. I asked which organisations are members of, participate in, or are formally associated with the MSOM network.

I therefore ask the reviewer first to establish what recorded information Ofcom holds identifying the organisations with which those network participants are affiliated, and what other recorded information identifies organisations participating in or formally associated with MSOM.

If Ofcom holds such organisational information, I ask that it be disclosed unless a valid exemption applies to the particular information concerned.

If Ofcom continues to rely upon section 44 and section 393, I ask that the review address specifically:

whether the name of each organisation constitutes information “with respect to the affairs of a particular business” for the purposes of section 393;

whether that information was obtained by Ofcom in circumstances falling within section 393;

whether the statutory prohibition applies separately and individually to every organisation whose identity falls within the scope of my request; and

why disclosure of the identity of an organisation participating in an Ofcom-created media-literacy network is necessarily prohibited merely because an individual affiliated with that organisation has signed up to the network.

The present response appears to apply section 393 collectively to the approximately 700 participants without explaining why the statutory prohibition attaches to the organisational information I actually requested.

I am conscious that section 44 is an absolute exemption where an applicable statutory prohibition genuinely prevents disclosure. I am not asking Ofcom to conduct a public-interest test which section 44 does not require. I am asking Ofcom to establish first whether the information actually requested falls within that prohibition.

This distinction is important. In ICO Decision Notice IC-124189-X4R2, concerning Ofcom, the Commissioner concluded that section 44 applied to some of the information at issue but not all of it, and also found that Ofcom had failed correctly to identify which information fell within the scope of the request. I would therefore ask the reviewer to consider the requested organisational information item by item rather than treating the existence of section 393 as a blanket answer to question 1.

If Ofcom considers that my original wording was ambiguous, I would also ask the reviewer to consider whether Ofcom should have sought clarification or provided advice and assistance rather than substituting the identities of individual subscribers for the organisational information requested.

2. Governance of the MSOM programme

Question 4(a) requested:

“Copies of any documents currently in force describing the governance structure of the MSOM programme.”

Ofcom did not identify or provide such a governance document. Instead, the response states that all Ofcom work is subject to its “usual governance standards”, that the media literacy team sits within the Strategy and Research Group, and then describes Ofcom’s statutory media-literacy duties and published strategy.

Those matters do not appear to answer the request for documents describing MSOM’s governance structure.

I therefore ask the reviewer to establish whether Ofcom holds recorded information describing, among other things:

the internal governance and lines of accountability for MSOM;

responsibility for strategic and operational decisions;

the relationship between the MSOM team, Advisory Panel, Research, Evidence and Evaluation Working Group and other MSOM bodies;

procedures governing appointments to, and operation of, those bodies;

conflict-of-interest or declaration-of-interest arrangements;

arrangements governing the commissioning and evaluation of external organisations;

and procedures, if any, intended to ensure an appropriate breadth or balance of expertise and perspectives within MSOM’s advisory arrangements.

I am not suggesting that documents bearing those precise titles must exist. I ask that Ofcom search for recorded information which substantively describes those governance arrangements.

If no such recorded information is held, I ask Ofcom to state that explicitly.

Questions 4(b) and 4(c) requested copies of documents describing criteria for participation in the MSOM network and appointment to advisory or steering groups. The response provides or reproduces some information about these matters, but it is unclear whether this represents the complete recorded information held by Ofcom or merely extracts from published material.

In particular, the response states that Advisory Panel members are appointed following an open application process and are selected to provide the “best balance of expertise and connections across our media literacy work”.

I ask the reviewer to confirm whether Ofcom holds any further recorded criteria, assessment material, guidance, terms of reference, recruitment documentation or other current records governing how that “balance” is determined. If such information is held, it falls within the substance of question 4(c) and should either be disclosed or any exemption relied upon should be identified and explained.

3. Stakeholder map or equivalent information

Question 5 asked:

“If held, any current stakeholder map, organisational chart or equivalent document showing relationships between organisations participating in or advising the MSOM programme.”

Ofcom replied:

“We do not hold this information.”

I recognise that FOIA cannot require Ofcom to create a document which it does not hold. I am therefore not asking Ofcom to construct a stakeholder map for the purposes of this request.

However, in view of the scale and structure disclosed elsewhere in Ofcom’s response, I ask the reviewer to confirm that adequate searches were conducted for the full scope of the request, including the words “or equivalent document”.

Ofcom has stated that approximately 700 individuals participate in the MSOM network. It operates an Advisory Panel and a Research, Evidence and Evaluation Working Group. The accompanying contract spreadsheet identifies 32 contracts worth more than £3 million since January 2023 involving a substantial range of outside organisations.

Against that background, the statement that Ofcom holds no stakeholder map, organisational chart or equivalent document showing relationships between organisations participating in or advising MSOM is significant.

I therefore ask the reviewer to confirm what categories of records and locations were searched before that conclusion was reached, and whether the searches encompassed recorded information such as stakeholder lists, partnership records, relationship-management documents, programme-planning material, organisational diagrams, internal presentations, briefing documents, databases or other records which may perform an equivalent function even if they are not formally described as a “stakeholder map”.

Again, I do not ask Ofcom to create new information. I seek confirmation that the search for existing information reflected the substance rather than merely the terminology of my request.

Why the requested information matters

I appreciate that the purpose for which information is sought does not determine whether it is disclosable under FOIA. Nevertheless, the context is relevant to the importance of ensuring that the request has been correctly interpreted and that any exemptions have been applied only to information to which they properly attach.

Ofcom's response and accompanying spreadsheet show that MSOM is now a substantial operation. The disclosed contracts since January 2023 alone exceed £3 million and include projects concerned not simply with conventional digital literacy but with "Political Disinformation in the 'Year of Elections'", supporting first-time voters to identify "mis and dis information", work in schools and communities, and other interventions intended to influence media literacy and the assessment of online information.

Ofcom's statutory media-literacy responsibilities have also expanded significantly under the Online Safety Act.

In those circumstances there is a strong legitimate interest in understanding the institutional composition, governance and external relationships of the MSOM programme, particularly where it operates in fields involving judgments about misinformation, disinformation, reliability and political information.

My request was deliberately directed towards that institutional architecture rather than towards personal information about individual network members.

I would therefore be grateful if the internal review would reconsider:

whether question 1 was answered as asked and whether section 44/section 393 properly applies to the organisational information requested;
whether Ofcom holds additional governance information falling within question 4 which was not identified or supplied; and
whether sufficiently broad searches were undertaken for the information described in question 5, including documents or records performing an equivalent function to a stakeholder map.

Where further information is held and no exemption applies, I ask that it now be disclosed. Where information is withheld, I ask that the review identify as precisely as possible the information being withheld, the exemption relied upon and the basis on which it applies.

I would also be grateful for confirmation that, in view of the circumstances explained above and the very short delay involved, Ofcom has accepted this request for internal review.

Yours faithfully,

David Keighley