

8 July 2011

John Whittingdale Esq OBE MP
Chairman, Culture, Media and Sport Committee
House of Commons
London SW1A 0AA

Given the interest in Parliament surrounding News International and the proposed Newscorp-BSkyB deal I wanted to set out as clearly as possible what Ofcom's role, powers and duties are in these matters for Members of your Committee and also interested Members of the House of Commons and House of Lords.

Proposed acquisition by News Corporation of the shares in BSkyB it does not already own

In relation to the proposed acquisition by News Corporation of the shares in BSkyB it does not already own, Ofcom provided its advice to the Secretary of State on the undertakings proposed by News Corporation in lieu of a reference to the Competition Commission on 22 June 2011. The Secretary of State is currently consulting for a further short period. If he asks Ofcom for any further advice, we will of course provide advice in accordance with the terms of any request.

Fit and proper

Separately, Ofcom has a duty under the Broadcasting Acts to continue on an ongoing basis to be satisfied that any person (which will include controlling directors and shareholders) holding a broadcasting licence remains fit and proper to hold those licences.

In considering whether any licensee remains a "fit and proper person" to hold broadcasting licences Ofcom will consider any relevant conduct of those who manage and control such a licence.

It is not for Ofcom to investigate matters which properly lie in the hands of other authorities, such as the police and the criminal or civil courts, and clearly we cannot and should not act whilst allegations are unsubstantiated. It would be unfortunate if action by Ofcom at this moment in time prejudiced any ongoing processes by the proper authorities or failed to take into account relevant information that was subsequently disclosed which may be relevant to a thorough and proper assessment.

However, as you would expect, we are monitoring the situation closely and in particular the investigations by the relevant authorities into alleged unlawful activities in regard to any evidence or findings of any relevant conduct.

In this regard, we are writing to the relevant authorities to highlight our duties in relation to 'Fit and Proper' and indicating that we would like to be kept abreast of the timescales of their investigations and of any further information which may assist us in the discharge of our own duties.

Fairness and privacy

Finally, Ofcom's legal duties to protect people from having their privacy invaded have been mentioned in some debates. Our duty in this area concerns unwarranted infringements of privacy in relation to the making and the content of television and radio programmes. For the avoidance of doubt, our privacy duties relate only to broadcasting and we have no jurisdiction in relation to fairness and privacy in newspapers.

Finally, I would like to reassure you and your fellow Parliamentarians that we are very mindful of our duties in this area and very conscious of the level of concern about these matters in Parliament and in the country more widely.

I am copying this letter to Lord Inglewood who Chairs the House of Lords Communications Committee and placing a copy of this letter in the libraries of both Houses. I will also make this letter available on the Ofcom website later today.

Ed Richards