

**Julian Knight MP**  
**Chair**  
**Digital, Culture, Media and Sport Committee**

15 April 2020

Dear Julian,

Thank you for your letter of 6 April. Congratulations in turn on your appointment as Chair of the Digital, Culture, Media and Sport Select Committee. I am looking forward to working with you and your colleagues in the months ahead.

Ofcom takes the issue of misinformation very seriously. It is vital that citizens and consumers have access to accurate, trustworthy and credible sources of news and information, particularly in times as unprecedented as these. As I will set out in more detail, we have already taken swift action in relation to Covid-19 related misinformation. Last week we sanctioned the Community Radio station Uckfield FM for breaching the Broadcasting Code by failing to challenge unsubstantiated claims about the virus. We have also worked closely with Government this week to debunk claims connecting 5G technology and the spread of Covid-19.

We also have a role in helping to better understand the spread of false or misleading information about Covid-19. Today we have published the first set of findings from a new weekly online survey about how people are getting news and information about the virus, which can be found [here](#). We have found that almost half of UK adults say they have been exposed to false claims about the virus. This underlines the importance of tackling misinformation in all its forms; and we will continue to work closely with Government in this area.

Turning to the points in your letter, I thought it would be helpful to set out some context about Ofcom's role in relation to broadcast standards, in particular where licensees broadcast information which is misleading.

Ofcom's remit as the UK's independent broadcast and on-demand regulator is set out in the Communications Act 2003. Under section 319 of the Act, Ofcom has a statutory duty to set standards for the content of programmes to secure prescribed objectives, which are reflected in the rules contained in [the Ofcom Broadcasting Code](#) ("the Code"). Broadcasters who hold Ofcom licences and the BBC must comply with the Code. Ofcom is a post-broadcast regulator, and we cannot intervene in content prior to transmission.

We note your reference to some of our current and previous licensees. It may be helpful to clarify that with regard to CGTN, Ofcom has five ongoing due impartiality standards investigations and three ongoing Fairness and Privacy investigations in relation to this service. Press TV no longer holds an Ofcom licence; it was revoked in 2012.

In relation to your specific questions, you asked what work Ofcom is doing to monitor and regulate broadcast media organisations and investigate failures to comply with the broadcasting rules. Ofcom

is prioritising the enforcement of broadcast standards in relation to content about Covid-19. We recognise that broadcasters will want to transmit content about the virus and that accurate and up-to-date information will be essential for audiences during the crisis. However, Ofcom is also aware of the significant potential harm that could be caused by material relating to the pandemic, including:

- Health claims related to the virus which may be harmful;
- Medical advice which may be harmful;
- Accuracy or material misleadingness in programmes in relation to the virus or public policy regarding it.

On 20 March, we wrote to every television and radio broadcasting service we regulate (approximately 2,000) setting out our approach to enforcement during the pandemic. On 23 March we published this in our [Broadcast and On Demand Bulletin](#). We then wrote to every broadcaster again on 27 March providing guidance on key aspects of compliance with the Code at this time.

We have put in place a rapid response team to fast-track the handling and assessment of complaints about broadcast coverage of the crisis. We are also conducting some targeted monitoring of the channels and stations we regulate to ensure compliance with the Code. In cases where we need to investigate potential breaches of the Code, we are ready to act quickly and expedite our usual processes to determine the outcome and take appropriate enforcement action, where necessary.

On the issue of whether it is possible to expedite decisions to sanction broadcasters who breach the broadcasting code, we are likely to consider breaches of the Code relating to potentially harmful material about Covid-19 as serious at this time. This would therefore mean they warrant consideration of the imposition of a statutory sanction. If so, Ofcom will expedite the procedure, while following due process. We have informed broadcasters in our recent guidance that they should be prepared to engage with us on short timescales.

As I referred to briefly earlier, Ofcom imposed its first sanction decision in relation to broadcast content about Covid-19 last week. Following a rapid investigation, we found that a Sussex-based community radio station, Uckfield FM, failed to provide adequate protection to listeners from potentially harmful statements broadcast about the pandemic, including that the virus outbreak was linked to the rollout of 5G technology. We considered this to be a serious breach of Rule 2.1 of the Code and we imposed a sanction on the broadcaster, requiring it to broadcast a statement of our findings to its listeners, which it did on Friday 3 April. The full decision, published on Thursday 2 April, can be found [here](#).

We are currently expediting our investigation of an interview with the conspiracy theorist David Icke broadcast on London Live, and we are assessing as a priority a small number of other cases, including comments made by presenter Eamonn Holmes about the 5G conspiracy theory, broadcast on This Morning, on ITV.

We have also assessed a small number of cases where we did not consider that coverage of the crisis had led to a breach of the Code, but we identified that there was a potential learning for the broadcaster. As a result, we have written to individual broadcasters providing specific guidance which we expect them to take into account in future relevant programming.

You have asked what role Ofcom has in identifying organisations that might pose a risk in spreading or amplifying disinformation or misinformation about COVID-19, and whether Ofcom's regulation of broadcasting extend to broadcasts that may be amplified by social media.

Ofcom is the UK's independent broadcast and on-demand regulator. Our remit involves setting standards for the content of programmes which broadcasters who hold Ofcom licences and the BBC must comply with. Ofcom currently does not have a remit to regulate social media content.

Clearly there is a role for social media platforms here in identifying and taking down inappropriate content. In the longer term, you'll be aware that Government has set out its intention to introduce legislation imposing a duty of care on online platforms. This would require them to take appropriate measures to protect citizens from harmful online content. Government has indicated that it is minded to appoint Ofcom as Online Harms regulator. We are currently providing Government with expert advice on issues related to the proposed statutory framework and are considering carefully how we would discharge these proposed new responsibilities were Government to confirm our appointment.

Ofcom does also have a duty to promote media literacy under s11 of the Communications Act, as well as a duty to carry out related research. Media literacy helps people engage critically with the content they encounter and to protect themselves from potential harm, including from misinformation. Last year, we launched Making Sense of Media; our programme to help improve the online skills, knowledge and understanding of UK adults and children. It is under the auspices of this programme that we have commissioned our survey about people's consumption of, and attitudes towards, news and information about C-19, including information that might be false or misleading.

Interestingly, the first set of results from this survey show that although almost half of UK adults have been exposed to false claims about coronavirus, the majority of those people are ignoring or fact-checking those claims in some way. Although 49% of people said that they got news and information about the virus from social media, social media was the least trusted source amongst those that use it, at 21% (which compares with the 83% of people who trust the BBC).

Alongside this survey, we have also published today a set of resources to help provide people with the tools to navigate news and information about Covid-19, focusing on how to debunk common misconceptions or harmful claims about the coronavirus.

Finally, you asked how Ofcom's work has been affected by the current crisis. On broadcasting, we have seen a rise in the number of broadcast standards complaints to Ofcom. We have prioritised our time so that we can continue to meet our normal timescales in most cases, while expediting all Covid-19-related complaints and investigations and carrying out additional targeted monitoring, as described above.

More generally, we have rapidly mobilised new areas of work in response to the pandemic. This includes working with Government and the industry to ensure resilience across fixed and mobile telecoms networks, while protecting vulnerable consumers and helping people to [Stay Connected](#). We have launched new research in order to understand better how people are consuming news and information about the virus.

On 24 March we [published](#) a statement describing how we will approach regulation and enforcement during the virus period. We are also re-assessing our proposed programme of work for the year ahead, recognising that the lockdown will require some of our timescales to be extended, because our stakeholders are unable to engage with us in the usual way. We will publish a revised plan for 2020-21 in the coming weeks, and we will keep this updated as the situation changes.

I look forward to engaging with you and the Committee on many of our priority areas in the year ahead.

Yours sincerely,

A handwritten signature in black ink that reads "Melanie Dawes". The signature is written in a cursive style with a large initial 'M'.

**Melanie Dawes**