

Kevin Bakhurst
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Ofcom
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From: Joel Bamford

Project Director

Direct line: [✂]

10 November 2017

Dear Kevin

Re. Request for information and assistance relating to the acquisition by Twenty-First Century Fox, Inc. (Fox) of the entire share capital of Sky plc (Sky) (the Fox/Sky transaction).

Further to the letter sent on 25 September 2017 setting out an agreed basis for the provision of information and assistance by Ofcom to the CMA, I write on behalf of the CMA to formally request Ofcom provides information and assistance in relation to the exercise of the CMA's functions in reviewing the Fox/Sky transaction. This request is made in reliance of section 105(3A) of the Enterprise Act 2002 (the "Act"), which states:

OFCOM shall give the CMA:

- (a) such information in their possession as the CMA may reasonably require to enable the CMA to carry out its functions under [Part 3 of the Act]; and
- (b) any other assistance which the CMA may reasonably require for the purpose of assisting it in carrying out its functions under this Part and which it is within the power of OFCOM to give.

This provision is made applicable to the exercise of the CMA's functions under The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (the Order) by virtue of Article 15 and Schedule 3 paragraph 1(1)(m) of the Order.

The information we request to enable us to exercise our functions, drawing on Ofcom's technical expertise as the UK regulator for communications, is as follows:

1. Please can you provide a list of Broadcasting Code investigations carried out by Ofcom which considered issues under Section 5 of the Broadcasting Code (Due Impartiality and Due Accuracy) and Section 6 of the Broadcasting Code (Elections and Referendums) for all broadcasters for each of the calendar years in the period 1 January 2013 to 31 December 2016, and in the period 1 January 2017 to 10 November 2017 in Excel spreadsheet format. The list should detail:

- (a) The name of the broadcaster;
- (b) A short description of the Broadcasting Code issue or issues investigated;
- (c) The programme or programmes to which the investigation related;
- (d) The final decision by Ofcom ('In Breach', 'Resolved' or 'Not in Breach'); and
- (e) Whether Ofcom reached a sanction decision against the broadcaster.

Yours sincerely,

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Joel Bamford Project Director

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