

Ofcom ref: 00511422

Information Requests

Email: information.requests@ofcom.org.uk

09 February 2018

Ref: 00510918 Freedom of Information: Right to Know Request

Thank you for your request for information on complaints about 'SVOD streaming and download services'. Your request was received on 17 January 2018 and I am responding under the terms of the Freedom of Information Act 2000.

You requested the following information:

Could you tell me the number of programme (including films) complaints you have received about SVOD streaming and download services that are not "established" in the UK and therefore fall outside of your jurisdiction? Could you provide figures on this for the last two calendar years, 2016 and 2017.

Could you also list the top five SVOD services in terms of complaints received in the last two years and include the number of complaints they each got.

Before responding to your question, we would like to provide some background information on Ofcom's remit, complaints procedures, and reporting.

Ofcom regulates the editorial content of UK on-demand programme services (ODPS) which fall within the statutory definition of ODPS. More details on the definition of ODPS is available on our website [here](#), but in brief, a service is an ODPS if it is made available on demand to members of the public and its principal purpose is the provision of TV-like programmes. There must also be someone with editorial responsibility for the service who falls within UK jurisdiction.

Regulated video on-demand programme services must meet a set of minimum standards (largely relating to harmful material) which are set out in our published [rules](#) and associated [guidance](#). Ofcom's Broadcast and On-Demand Bulletin, published every fortnight on our website, includes decisions about the complaints we have considered. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, those which Ofcom has decided not to pursue because they did not raise issues warranting investigation, and those which fall outside

Ofcom's remit. The Bulletins can be accessed via the following link to our website:

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>

To answer your questions, we have interpreted your request for information on SVOD streaming and download services to refer to 'Subscription Video on Demand' streaming and download services.

This would include, for example, subscription services such as Netflix, Amazon Video, and Now TV, but not non-subscription services such as BBC iPlayer, ITV Hub or All4.

1. In the calendar years 2016 to 2017 Ofcom received 23 complaints about SVOD services, of which 8 complaints related to services not established in the UK and outside our jurisdiction.

2. The top five SVOD services complained of in that period were:

Service	Number of complaints
Amazon Video	5
Netflix	5
My Outdoor TV	3
Now TV	2
Sky Go	2

We hope this information is of assistance. If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Information Requests

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF