

Reference: 644804

Jerin John  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

4 January 2019

### **Freedom of Information: Right to know request**

Thank you for your request for information about the recent O2 technical failure.

This was received by Ofcom on 6 December and it has been considered under the Freedom of Information Act 2000 (“the Act”).

You asked:

*Please advise me showing all relevant documents what specific steps you have taken in line with your statutory obligations to hold O2 to account for the technical failure on 6/12/18. Thank-you.*

Please note that under the Act we consider the information held as at the date a request is made. As of the date of this request, we did not hold documents in relation to your request.

However, we recognise and share consumers’ concerns about this incident. In the spirit of being helpful, therefore, I can advise that since the date of the incident, and your request, we have been conducting an initial assessment into O2’s network failure.

As part of this assessment we will gather information and evidence relevant to the incident in order to decide what, if any, further action is necessary, including whether a formal investigation is appropriate. If we decide to formally investigate, we will announce this on our website in line with our usual procedures. There are, therefore, documents relating to this process following the date of the request, but please note that this information is likely to be subject to exemptions from disclosure under the Act.

By way of background, we follow the procedures as set out in our published ‘Enforcement guidelines for regulatory investigations’ document<sup>1</sup> in deciding whether to take enforcement action in the interests of citizens and consumers, and where appropriate to promote competition.

We take the security of public electronic communications networks and services extremely seriously, and we have responsibilities to investigate compliance of such a regulatory requirement under sections 105A to 105C of the Communications Act 2003<sup>2</sup>. Where a Communications Provider has failed to comply with the requirements under sections 105A to 105C, pursuant to section 105D we

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0015/102516/Enforcement-guidelines-for-regulatory-investigations.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0015/102516/Enforcement-guidelines-for-regulatory-investigations.pdf)

<sup>2</sup> Ibid. at para. 1.3

may take enforcement action in accordance with the process set out in sections 96A to 96C of the Communications Act.

If you have any queries, please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

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 exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary  
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