

Reference: 561522

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Information Requests
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3 Aug 2018

Freedom of Information: Right to know request

Thank you for your request for information dated 13 July which we have considered under the Freedom of Information Act 2000 (the FoIA).

Please find below our response to each of the questions you asked.

1. Have OFCOM received complaints from Vodafone customers about data usage limits and resulting excessive charges? If so, how many complaints have been registered for 2018, 2017 and 2016?

We are unable to confirm this or provide specific numbers of complaints, as this information is exempt from disclosure under section 44 of the FoIA. Section 44 applies when the information which has been requested is exempt from disclosure under another Act. Under section 393(1) of the Communications Act 2003, Ofcom is prohibited from disclosing information which relates to a business and which has been obtained in the course of Ofcom undertaking its statutory functions, unless that business consents or one of the other gateways under section 393(2) is met. In this case, we do not have the consent of the communications providers to disclose this information, nor have any of the other statutory gateways been met. On that basis, we are prohibited from disclosing this particular information under section 393(1). The information is therefore exempt under section 44 of the FoIA. Section 44 is an absolute exemption and does not require the balancing of the public-interest test.

However, I can confirm that Ofcom have had concerns about a number of companies compliance with the roaming regulations and these include rules about data roaming caps. We have followed up with various communications providers and they have taken steps to address our concerns.

2. Have OFCOM received complaints specifically about Vodafone opting customers out of Data Usage limits? If so, how many complaints have been registered for 2018, 2017 and 2016? What are the general circumstances regarding these complaints?

We are unable to disclose specific information about any complaints or the numbers of any complaints as this information is exempt from disclosure under section 44 of the FoIA, as above.

3. Is Vodafone currently under investigation, or had been investigated, by OFCOM for opting customers out of Data Usage limits? What was/is the nature of the investigations and what were the findings?

Ofcom are not currently and have not investigated Vodafone for opting customers out of data limits.

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

Julia Snape

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:

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