

Reference: 515528

Jerin John  
Information Rights Adviser  
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21 February 2018

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

Thank you for your request for information where you asked about the number of organisations being refused Code powers.

This was received by Ofcom on 31 January and it has been considered under the Freedom of Information Act 2000.

You asked:

*How many organisations have applied for and been refused powers under the Electronic Communications Code since its inception in 2003. In each case is it possible to know why it was refused? In particular I'm interested in how many organisations who have gone to consultation have subsequently been refused.*

As part of Ofcom's process for granting powers under the Electronic Communications Code, we have to carry out a four-week public consultation, which outlines our reasons why we are proposing to grant Code powers to the requested applicant. This allows an opportunity for both members of the public and industry to make responses, which may provide Ofcom with mitigating reasons for us not to grant the use of the Code.

You can find every link to our consultations since 2003 on our website here:

<https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/policy/electronic-comm-code/notifications-communications-act2003>. This includes a final direction as to whether Code powers are granted or not. I hope this information is of assistance.

If you have any queries, then 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

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- 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