

Reference: 522075

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

Thank you for your request for information where you asked about the £42 million fine imposed on BT Telecommunications plc (BT) on 26 March 2017.

This was received by Ofcom on 22 February and it has been considered under the Freedom of Information Act 2000.

You asked:

*Can you please let me have information regarding who the fine was paid to and how much to each, i.e. Government, Ofcom, telecom providers etc. I am looking to find out how much the Government and Ofcom received.*

In this case Ofcom decided to give BT a Confirmation Decision, and to impose a financial penalty, in accordance with section 96C of the Communications Act 2003. Section 400(2) of the Communications Act 2003 sets out that where Ofcom receives an amount to which the section applies, it must be paid into the appropriate Consolidated Fund. In this case, the fine was paid in full to Ofcom, and passed on to HM Treasury as indicated in our press release under 'NOTES TO EDITORS' here: <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/bt-to-be-fined-for-breaching-contracts>.

You may also find it useful to visit the following website which is our Confirmation Decision issued to BT: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0017/102167/cw-01170-11-15-bt-confirmation-decision.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0017/102167/cw-01170-11-15-bt-confirmation-decision.pdf). The penalty was imposed under section 96C of the Communications Act 2003, details of which are set out in Annex 2 (A2.1, page 118).

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
- 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