

Freedom of Information: Right to know request

Thank you for your request for information dated 3 July asking for certain BEREC documents and Ofcom documents related to these, which Ofcom has considered under the Freedom of Information Act 2000 (the FoIA).

You asked:

"I would like to request the following BEREC documents, which OFCOM will have received as part of its participation in BEREC: - Document BoR (16)

*- PRD on regulatory treatment of termination rate for voice calls originated outside the EEA
- Document BoR (16) 164 - Overview of the regulatory treatments of termination rates for voice calls originated outside the EEA and their impacts on cross-border traffic and settlements*

i would also like a copy of any OFCOM documents which discuss or relate to either of the above two documents".

With reference to the first part of your request, we hold the BEREC documents you have requested. However, we consider that section 21 FoIA applies as the information is reasonably accessible to you by other means. This would be through a request to BEREC. Their website is: <http://bereg.europa.eu/>

With regard to your request for any Ofcom documents which discuss or relate to either of the two BEREC documents, we consider that section 12 FoIA applies. This part of your request is very wide and there may be a number of colleagues in Ofcom who might hold anything related to the documents. We would have to identify who they might be, and then we would have to locate, identify, retrieve and extract any relevant information. Section 12 of the FoIA provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and as such the cost of complying with your request will exceed the appropriate limit. We will therefore not be able to provide any information in connection to your request.

However, if you wish to submit an alternative request with a narrower, more specific scope in relation to this subject, we would be happy to give it our full consideration. In any event, with any information requested, exemptions may apply.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

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