

Reference: 502322

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Freedom of Information: Right to know request

Thank you for your request for information about complaints made against BT Openreach from 1 January 2016 to present.

This was received by Ofcom on 8 December 2017 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked for:

1. *Records of complaints made against BT Openreach for the period 1 January 2016 to present.*
2. *I would like the information in Excel or CSV file format listing:*
 - 2.1 *The date of the complaint*
 - 2.2 *The subject/category of the complaint*
 - 2.3 *The action taken by Ofcom*

First, by way of background, Ofcom has imposed a range of measures on Openreach to ensure it improves the service it provides to its customers. For example:

- **Strict requirements to repair faults and install new broadband lines more quickly:** <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/encouraging-investment-in-full-fibre-networks>. These binding service quality standards have brought about an improvement in the company's performance over the past few years, and we are pushing it to go further by proposing even tougher targets over the next few years.
- **Measures to ensure Openreach delivers for phone and broadband users:** <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/openreach-statement>. The new Openreach will be built to serve all its customers equally, acting independently and taking investment decisions on behalf of all its customers.

- **Better services for businesses:** <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2016/bcmr-2016>. We significantly reduced the prices for Openreach's important high-speed business lines that underpin the UK's communications infrastructure, and introduced tougher rules on repairs and installations of these lines.
- **When Openreach falls short, we can impose fines.** Last March, we fined Openreach £42m for a breach of Ofcom's rules, after the company reduced compensation payments to other telecoms providers for late installations: <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/bt-to-be-fined-for-breaching-contracts>.
- **Improving transparency of Openreach's performance.** Following Ofcom intervention, Openreach now publishes information about its performance on its website, found here: <https://www.homeandbusiness.openreach.co.uk/our-performance/regulated-kpis>.

Turning to your request, unfortunately we are unable to disclose the information you requested, as it is exempt under section 44 of the Act. Under this section, information which we hold on this subject is exempt from disclosure if another enactment prohibits it.

Section 393(1) of the Communications Act 2003 prohibits disclosure of information about a business, unless we have consent, or doing so would facilitate the exercise of our functions; neither applies in this case. This is an absolute exemption under the Act and does not require a public interest test. We are very sorry that we cannot be more helpful on this occasion.

It is worth adding that Parliament has not granted powers to Ofcom to address and resolve individuals' complaints about telecoms companies. Ofcom's role as the sector regulator is to look after and protect the interests of UK consumers and businesses as a whole. We do this by monitoring and recording complaints from consumers and businesses to identify and clamp down on poor practices.

We also have a duty, under section 26 of the Communications Act 2003, to arrange for the publication of such information and advice as appears to us to be appropriate to make available to consumers. As part of that, we publish information on the quality of service experienced by customers of the UK's largest landline telephone, broadband and mobile retail providers. You can find this here: <https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/quality-of-service/report>.

Unlike Openreach, these retail providers (including BT Group) have a direct relationship with consumers. The information we publish here plays an important role in promoting competition among different providers, because it gives an incentive to improve their service.

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,

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