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KCOM's Information Sharing Statement concerning the broadband Universal Service Obligation (USO)

Dear Hannah,

I am writing to you further to our letter dated 28 February in which we set out our approach concerning the requirement under Universal Service Condition G.5, set out in Annex 1, Legal instruments of Ofcom's Statement: '*Delivering the Broadband Universal Service - Statement: Designating Universal Service Providers and setting conditions*', published on 6 June 2019 (Universal Service Statement).

Further to our conversation on 4 March, we can confirm that it is KCOM's intention that the Non-confidential Information Sharing Statement, an amended version of which is set out in Annex 1 to this correspondence, shall apply in respect of both access to Ofcom's Bulk Data and USO API.





Annex 1: Non-confidential Information Sharing Statement concerning KCOM's access to Ofcom Information which includes access to the USO API and Bulk Data under broadband USO Condition G.5

- To ensure KCOM can carry out its role as the designated Universal Service Provider (USP) for the Hull Area in compliance with the Universal Service Obligation Conditions we will put in place an information management programme. This programme will combine the use of a partitioned and auditable IT system that will be the only location (physical or electronic) where KCOM will hold the following Ofcom Information¹:
 - Information supplied to KCOM by Ofcom setting out a list of premises in the geographic area for which KCOM is designated as universal service provider which cannot access 10 Mbit/s download, 1 Mbit/s upload sync speeds and will not receive such access as the result of a publicly funded intervention (the "Bulk Data Information"); and
 - The content that Ofcom offer by way of output from the Ofcom USO API (the "USO API Information").
- The partitioned and auditable information management system will also be the location where any KCOM confidential records relating to Ofcom Information are stored. For example, KCOM may use the free text fields contained in relevant Ofcom Information to add details of an end user enquiry concerning a potential USO request. Similarly, KCOM may create confidential records that reference Ofcom Information for the purpose of evidencing that relevant Ofcom Information has been conveyed to an end user making a potential USO request.
- The Ofcom Information shall only be accessible by named KCOM employees. This will include:
 - The IT development persons that are named KCOM individuals responsible for ensuring that the USO API is implemented in a compliant manner and that the Bulk Data Information is stored securely on the partitioned and auditable IT system. For the avoidance of doubt these named KCOM individuals will have access to the Ofcom Information solely for reasons of technical implementation of our USO obligations and ongoing technical support to maintain the partitioned and auditable IT system.
 - The customer facing named KCOM individuals will be responsible for the end-to-end USO customer journey. This will include, determining whether a customer is eligible for a USO service, applying a broadband USO 'flag' to a customer record to identify them as having made a USO service request and managing the customer journey through KCOM's broadband USO process.²

¹ The Bulk Data Information and the USO API Information shall collectively be referred to as the Ofcom Information for the purposes of this Non-confidential Information Sharing Statement.

² KCOM will receive inbound customer contact from a range of possible sources. The most frequent is expected to be by telephone. KCOM will train all its first line customer contact agents to increase the awareness and level of understanding of the broadband USO, and KCOM's role as the Universal Service Provider for the Hull Area. Included in this awareness training will be identification of the customer facing named KCOM individuals to whom all other customer facing agents will transfer USO queries to. Customer facing teams will be trained on the range of use cases, including those where a customer does not explicitly seek a qualifying broadband USO service. In this instance, the customer facing agents will be made aware of the way in which KCOM's systems will identify addresses unable to obtain a non-qualifying broadband service (i.e. there is no qualifying fibre service (Lightstream





- The persons undertaking network planning and deployment activities that are named KCOM individuals responsible for delivering a compliant technology solution to enable KCOM to offer its customers a qualifying broadband USO service.
- The persons undertaking USO costing from KCOM's Group Finance team that are named KCOM individuals.
- The external legal agents that are persons that are named KCOM individuals and who are responsible for obtaining wayleaves in the Hull Area on KCOM's behalf.
- The compliance manager who is a named KCOM individual responsible for ensuring that Ofcom Information is used in a manner consistent with KCOM's USO obligations. The compliance manager will ensure that:
 - Ofcom Information is only made available to a restricted set of named KCOM individuals, and which can only be used by those individuals to the extent that it is necessary for KCOM to deliver its USO obligations. Further, the list of named KCOM individuals is restricted to operational persons (KCOM employees and / or agents) that have no role in commercial decision making where the use of Ofcom Information could have a role in influencing those decisions. For the avoidance of doubt the compliance manager will mandate that all named KCOM individuals must be excluded from attendance or participation in any decision forum (e.g. KCOM's Board) where the use of Ofcom Information could play any role in influencing KCOM's commercial decision making;
 - The compliance manager maintains a record of those named KCOM individuals that have had access to Ofcom Information and regularly reviews whether those named individuals need ongoing access to Ofcom Information;
 - Only relevant (customer facing) named KCOM individuals are able to apply a broadband USO 'flag' to customer records.³ The broadband USO flag will travel with the request on an end-to-end basis.

broadband) or KCOM ADSL solution). In all circumstances where the customer facing agent is not a named KCOM individual they will undertake the initial customer contact and having identified the customer as being potentially eligible for a USO service will pass the potential customer onto a named KCOM individual. Once passed to a named KCOM individual that customer facing agent will access Ofcom Information and assess what, if any, alternative suppliers are able to provide a technical solution. Where one or more supplier(s) is / are able to provide a technical solution the named KCOM individual will record personal information in the free text field logging the details of the query, including the date of contact and the named KCOM individual who dealt with the enquiry. The named KCOM individual will then convey the relevant supplier information to the potential customer. In this way all confidential information is retained as a record in the partitioned and auditable IT system and there is a log of the initial enquiry. If the customer returns to KCOM to request a qualifying USO service they will be passed to a named KCOM individual who will be able to retrieve information relating to the original enquiry from KCOM's partitioned and auditable system. At this point the USO request is 'flagged' on KCOM's customer system (Customer Care). This systems 'flag' will identify the order as a priority broadband USO request which enables KCOM to easily identify qualifying services. For all flagged orders there will be a named KCOM individual who will be responsible for the end-to-end management of the broadband USO request. The customer will be given information about the way that the order will be managed (contact and updates). The USO order would then be passed through to a named KCOM individual in KCOM's planning team who will prioritise the order. The named KCOM individual in KCOM's planning team will identify the nature of the exception applying to the USO qualifying service (e.g. wayleave) and place the service request into the KCOM prioritisation process. Where relevant this will include engaging external legal agents, who will prioritise the request recognising its USO status. Updates will follow and be updated on the customer record thereby providing the basis for the customer facing named KCOM individual responsible for the order to keep the customer apprised of progress, including order provisioning dates.

³ Where an individual customer is 'flagged' and that record is passed to KCOM's planning team the named KCOM individual in KCOM's planning team responsible for reviewing the request will assess not only the individual address but whether any aggregated clearance activity can be undertaken at the same time. For example, an individual USO request at an address within a Multi Dwelling Unit (MDU) may warrant an aggregated clearance for all addresses in that MDU. That named KCOM individual in





- Adequate training shall be provided to those named KCOM individuals to allow them to apply a broadband USO flag;
 - The KCOM employees able to apply a broadband USO flag and access the Bulk Data will receive training and guidance as to what their responsibilities are regarding Ofcom Information; and named KCOM individuals are required to regularly justify why they need continued access to either Bulk Data or Ofcom Information more broadly.
- Our compliance measures in relation to Ofcom Information are as follows:
 - **IT systems** – Ofcom Information will be held on a partitioned and auditable IT system that is logically separated in an area separate from the rest of KCOM’s data. Access rights to the Ofcom Information will be limited to those named KCOM individuals designated with an appropriate broadband USO access need. User access rights to the partitioned and auditable IT system holding Ofcom Information will be monitored regularly by KCOM’s compliance manager to ensure that access to that IT system is controlled and access rights are operating as they should.
 - **Co-location of employees** – The named KCOM individuals that are co-located with KCOM employees and / or KCOM agents who are not involved in the broadband USO will have measures in place such as secure privacy screen filters and secure printing to ensure that Ofcom Information is appropriately protected.
 - **Training and guidance** – We will provide specific training for KCOM’s compliance team involved in our broadband USO compliance programme to ensure they understand the need to prevent the sharing of Ofcom Information between named KCOM individuals and other KCOM employees and / or KCOM agents who are not involved in the broadband USO. Furthermore, we will provide specific and tailored training to the named KCOM individuals (which shall include for the avoidance of doubt, KCOM’s customer-facing teams, Technology (IT, network planning and deployment teams). KCOM shall commence provision of such training w/c 9 March 2020.
 - **Internal compliance programme checks** – Our broadband USO compliance programme will regularly check that only named KCOM individuals have the ability to access Ofcom Information. In addition, there will be quarterly site visits to audit named KCOM individuals and review whether the named KCOM individuals are operating compliantly and that Ofcom Information is being accessed appropriately and in accordance with our Universal Service Conditions. Any potential inappropriate access will be investigated and action taken.

KCOM’s planning team will utilise Ofcom Information in undertaking this assessment and will record this in the partitioned and auditable IT system.





KCOM intends to apply the same measures to all information covered by conditions G.1-G.4

Description of the measures KCOM will implement to comply with Universal Service Conditions G.1-G.4

Ofcom Condition G.1

G.1 In respect of any Ofcom Information, or any information otherwise collected by KCOM in connection with performing its obligations under these Conditions, KCOM must:

- a) ensure that such information is used only for the purpose of performing its obligations under these Conditions; and*
- b) put in place measures, including appropriate separation of data, to prevent access to such information by any employee or agent of KCOM who is not directly involved in any matters relating to KCOM's obligations under these Conditions.*

KCOM Response

As described above we will implement measures covering our IT systems, training and guidance and internal compliance measures, to ensure that Ofcom Information is used only for the purpose of performing our obligations under these Conditions; and prevent access to such information by any employee or agent of KCOM who is not directly involved in any matters relating to our obligations under these Conditions:

Ofcom Condition G.2

G.2 KCOM must ensure that in relation to any Bulk Data provided by Ofcom to KCOM:

- a) only named employees and/or agents of KCOM who are working on the delivery of KCOM's obligations under these Conditions have access to the Bulk Data;
- b) any such employees and/or agents do not influence any commercial deployment decisions whilst they have access to the Bulk Data; and
- c) any such employees and/or agents do not influence any commercial deployment decisions for an appropriate period of time after they have ceased having access to the Bulk Data.

KCOM Response

We will implement the following measures in order to comply with this Condition:

- a) Only those named KCOM individuals who are working on the delivery of KCOM's obligations under these Conditions will be allowed to access the Bulk Data provided by Ofcom. We will ensure that any named KCOM individuals who have access to the Bulk Data limit their access to this data for the purpose of delivering the broadband USO and are subject to compliance monitoring to ensure that the Bulk Data is not used for any other purpose.
- b) No named KCOM individuals will have roles that involve the influencing of commercial deployment decisions. For the avoidance of doubt, the named





KCOM individuals shall not sit on the KCOM Group Board whilst they are a named KCOM individual.

- c) As part of the broadband USO compliance process, all named KCOM individuals who cease to have access to the Bulk Data (for example, due to a change in role) will be reminded of their responsibilities not to influence any commercial deployment decisions. The compliance manager will ensure that named KCOM individuals will not be permitted to make commercial deployment decisions in the Hull Area after having had contact with the Bulk Data until KCOM publicly confirms that it is able to provide qualifying USO services to all 'on-net' customers, or it has otherwise cleared the outstanding 'non-bookable exceptions' relating to its fibre deployment in the Hull Area at which point any restrictions placed on a named KCOM individual making commercial deployment decision shall be removed.

Ofcom Condition G.3

G.3 KCOM must ensure that in relation to any Ofcom Information other than the information referred to in Condition G.2, or any information collected by KCOM in connection with performing its obligations under these Conditions, no employee or agent of KCOM who is not working on the delivery of the universal service obligation under these Conditions shall have access to that information.

KCOM Response

Please see our response in relation to Condition G.1.

Ofcom Condition G.4

G.4 KCOM must maintain: a) a list of the names of all employees and agents, including their roles, who have received any material amount of information of the type referred to in condition G.1 above; and b) a description of the nature of the information so received.

KCOM Response

We will maintain a list of all named KCOM individuals who have access to Ofcom Information and a description of the nature of the information that named KCOM individuals can receive (this list will be maintained centrally). It is only named KCOM individuals that can access Ofcom Information. We will keep records of named KCOM individuals who had access to Ofcom Information and who have moved into different roles within KCOM. When an individual changes role they will get a "change of role letter" advising them of their compliance obligations not to share Ofcom Information they received in their previous role.

Yours sincerely,

Marvin Luttrell

Director of Regulatory and Government Affairs

Cc: Vanessa Farndale, Solicitor, KCOM Group Services

