

Request for information

Thank you for your request for information dated 2 October about cold calling complaints about a company calling itself Butler and Carr which has been considered under the Freedom of Information Act 2000 ('the Act').

Firstly, I should explain that Ofcom does not have powers to handle complaints about 'cold calling' or 'unsolicited calls'. Complaints in relation to unsolicited marketing calls should be directed to the Information Commissioner's Office (ICO) <https://ico.org.uk>. This is because unsolicited marketing calls could be potentially in breach of the Privacy and Electronic Communications Regulation 2003 (PECR) and the ICO is the lead regulator for these types of complaints.

However, if complaints have been made and we have redirected them to the ICO we can neither confirm nor deny whether we hold information about this, as to provide such information would fall under the exemption in section 44 of the Act. Disclosure of whether we hold such information is prohibited under section 393(1) of the Communications Act 2003. Section 44 is an absolute exemption under the Act and does not require a public interest test.

I trust this information is useful to you.

Kind regards
Julia

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