

Reference: 1972269

Information Requests
information.requests@ofcom.org.uk

8 April 2025

Freedom of Information request: Right to know request

Thank you for your request for information about compensation amounts related to the automatic compensation scheme.

We received this request on 12 March 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request and our response

I'm researching the Automatic Compensation Scheme outlined here: <https://www.ofcom.org.uk/phones-and-broadband/service-quality/automatic-compensation-need-know/> and I'm enquiring about the amounts paid out by individual broadband providers enrolled into the scheme.

This Ofcom publication stated £60m was paid out in 2022, £1.5m more than 2021. <https://www.ofcom.org.uk/siteassets/resources/documents/phones-telecoms-and-internet/comparing-service-quality/2023/comparing-customer-service-report-2023.pdf?v=329676>

I request the following

1. The amount of automatic compensation paid in 2024.

The aggregated data for automatic compensation for 2023 and 2024 will be published in this year's Comparing Customer Service report which is due to be published late spring. Given the plans to publish this information, we consider it is exempt from disclosure under section 22 of the FOI Act. Section 22 of the FOI Act provides that information is exempt from disclosure if the information is held with a view to its publication at some future date (whether determined or not); the information was already held with a view to such publication at the time when the request for information was made, and it is reasonable in all the circumstances that the information should be withheld from disclosure until the future date.

The Comparing Customer Service report is due to be published in late spring (as set out above) and is currently going through a review process.

The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding whether the public interest favoured disclosure in these circumstances.

2. The amount of automatic compensation paid by Virgin Media in 2024.

While we do hold some information relating to individual providers, we consider that the information is exempt from disclosure under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another enactment. Ofcom is prohibited under section 393 of the Communications Act 2003 ('the Communications Act') from disclosing information about a business, such as providers, which we have obtained in the course of exercising a power conferred by the Communications Act among others, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which applies here. Section 44 is an absolute exemption and therefore is not subject to a public interest test.

3. Failing the above, data from 2023 would also be useful.

Please see our response to question 1 above.

4. A breakdown of the automatic compensation paid out by each enrolled broadband provider

5. If available, any estimations on how much automatic compensation customers are entitled to, if different to how much was paid out.

In response to questions 4 and 5 please see our response to question 2 above.

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).

Section 22: Information Intended For Future Publication

Section 22 may apply if there is an intention to publish the requested information at some future date. This ensures that the FOI Act does not force public authorities into premature publication of information.

Key points:

- Section 22 may apply even if the specific date for publication has not yet been determined but the proposed publication timetable must be **reasonable** in all the circumstances;
- Section 22 will only apply if a public authority has decided, before the request is received, to publish the information concerned;
- Section 22 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • The general desirability that Ofcom's activities as the UK's communications regulator are transparent. 	<ul style="list-style-type: none"> • Release of the information in advance of finalisation and formal publication could lead to confusion or misinformation in the public domain, as the information is not finalised and is subject to change. • Release of the information prior to finalisation could damage working relationships Ofcom has with stakeholders. • Ofcom intends to publish the requested information when the documents have gone through the appropriate approval process.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> • We have concluded that it is not in the public interest to release this information at this stage, taking into account that the information requested is still to be confirmed and finalised. 	

