BT MIS Separation

Proposed Amendments to section 5 and 8 (separation of systems shared between Openreach and the rest of BT) of the Enterprise Act Undertakings given by BT to Ofcom

Consultation

Publication date:	7th September 2006
Closing Date for Responses:	6th October 2006

Contents

Section 1

Executive Summary

1.1 On 22nd September 2005 Ofcom accepted BT's undertakings pursuant to section 154 of the Enterprise Act 2002 ("the Undertakings") addressing Ofcom's competition concerns through, inter alia, the implementation of what has been termed "Equality of Access" for all communications providers. The separation of systems currently shared between Openreach and the rest of BT is a key part of Equality of Access. A number of sections in the Undertakings refer to these systems including:

- Section 5.45, which requires BT to logically partition its Management Information Systems ("MIS") as defined in the Undertakings so that they are run separately for Openreach and the rest of BT by 22nd September 2006 such that they do not lead to undue discrimination against other Communications Providers;

- Section 8.5, which requires BT to logically separate its systems which hold Commercial Information and Customer Confidential Information between Openreach on the one hand and the Upstream and Downstream Divisions on the other.

1.2 In understanding the types of separation Ofcom and BT have found it helpful to identify three levels:

- "Level 1 System Separation" means the application of access rights and controls to ensure that users only have access to data to which they are entitled.

- "Level 2 System Separation" means both separation of systems data and separate instances of the application software such that users can only have access to which they are entitled.

- "Level 3 System Separation" means Level 2 System Separation plus physical separation of the supporting computer hardware;

1.3 BT has identified 71 MIS currently shared between Openreach and the rest of BT. Of that 71, BT estimates that 58 will be put beyond shared use, i.e. be closed down or separated such that they no longer share users, data or applications, by 22nd September 2006 and Ofcom consider it is appropriate for BT to implement Level 1 System Separation for the remaining 13 MIS until 30th June 2010, at which date Level 2 System Separation will be implemented unless the systems are no longer shared, have been closed or replaced, or otherwise agreed with Ofcom.

1.4 Ofcom proposes and BT agrees to vary the Undertakings such that:

- For the 13 MIS listed in this Consultation, BT will implement Level 1 Separation from the deadline set out in section 5.45 of the Undertakings until 30th June 2010, after which Level 2 System Separation will apply unless systems are closed or replaced or otherwise agreed with Ofcom. The rigour of Level 1 System Separation will be tested by independent external audit.

- By 30th June 2007, following timely consultation with Ofcom and taking into account Ofcom's comments, BT will provide Ofcom with a roadmap which will set out how BT plans to implement Level 2 separation for the listed MIS systems by 30th June 2010. The delivery of this roadmap will be a binding Undertaking.

The roadmap will be a plan and dates in the roadmap will not be binding. BT will agree with Ofcom those elements of the roadmap that are appropriate for publication having regard to BT's commercial need for confidentiality. Ofcom will publish our view of progress against the roadmap in the ordinary course of our implementation reporting, subject to commercial confidentiality.

- The systems separation referenced in Section 8.5 is clarified: these systems will be subject to Level 2 Systems Separation.

1.5   Ofcom is therefore consulting on varying the Undertakings to reflect these proposals. The variation is not in Ofcom's view material, however Ofcom considers it appropriate to consult for a four week period because of the level of interest the proposals may generate with stakeholders. This means that the deadline contained in section 5.45 will pass during the consultation period. Pursuant to Section 18.1 of the Undertakings, Ofcom and BT have therefore agreed to extend the deadline set out in Undertaking 5.45 by a period of one month until the 22nd October 2006; BT will nevertheless still seek to meet the 22nd September deadline.

Section 2

Background

2.1   On 22nd September 2005 BT offered and Ofcom accepted undertakings in lieu of reference under section 154 of the Enterprise Act 2002 ("the Undertakings"). The Undertakings are set out in full in the document entitled *Final statements on the Strategic Review of Telecommunications, and undertakings in lieu of a reference under the Enterprise Act 2002*.[1] The Undertakings address the competition concerns identified in the Strategic Review ("the Review"), inter alia, through the implementation of what has been termed "Equality of Access" for all communications providers ("CPs").

2.2   Equality of Access is made up of two concepts: Equivalence of Inputs to products for CPs, and organisational separation for BT. The Undertakings explicitly recognise the importance of systems in delivering both parts of Equality of Access for CPs.

2.3   In the definition of Equivalence of Inputs the Undertakings state:

"Equivalence of Inputs" or "EOI" means that BT provides, in respect of a particular product or service, the same product or service to all Communications Providers (including BT) on the same timescales, terms and conditions (including price and service levels) by means of the same **systems** and processes, and includes the provision to all Communications Providers (including BT) of the same Commercial Information about such products, services**, systems** and processes. In particular, it includes the use by BT of such **systems** and processes in the same way as other Communications Providers and with the same degree of reliability and performance as experienced by other Communications Providers" (emphasis added).

2.4   The second aspect of Equality of Access, organisational separation, is concerned with ensuring that Openreach acts as a separate division within BT as required by section 5.23 of the Undertakings. This includes the effectiveness of "Chinese Walls" between the different parts of the BT organisation, making sure that Commercial Information ("CI") and Customer Confidential Information ("CCI"), as defined in the Undertakings, is not inappropriately shared between Openreach and other parts of the BT organisation. The definition of Management Information Systems specifically refers to access to CI and CCI:

> "Management Information Systems" means those management information systems which hold Commercial Information and/or Customer Confidential Information."

2.5   The Undertakings therefore set out certain requirements and deadlines for the separation of systems currently shared between Openreach and the rest of BT as follows:

> **Section 5.45**
>
> Within 12 months of these Undertakings taking effect, BT shall logically partition its Management Information Systems such that these systems are run separately for AS and the rest of BT such that

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[1] http://www.ofcom.org.uk/consult/condocs/statement_tsr/statement.pdf

> they do not lead to undue discrimination against other
> Communications Providers.
>
> **Section 8.5**
>
> BT shall logically separate its systems which hold Commercial
> Information and Customer Confidential Information between AS on
> the one hand and the Upstream and Downstream Divisions on the
> other, by the IBMC date for Wholesale Analogue Line Rental given
> in Annex 1. BT will use its reasonable endeavours to achieve such
> logical separation earlier.

2.6   In this consultation Ofcom seeks views on proposals for varying the above sections
        of the Undertakings in regard to MIS and a roadmap for MIS separation. According to
        Section 18.1 of the Undertakings, BT and Ofcom may, from time to time, vary the
        Undertakings by mutual agreement. Section 155 of the Enterprise Act 2002 requires
        that Ofcom consults where it proposes to amend the Undertakings in a material
        respect. Ofcom's view is that the proposals do not alter the Undertakings materially
        because they relate only to a small part of the Undertakings and do not effect the
        overall operation of the Undertakings in a material way. Consequently, Ofcom does
        not consider that there is a legal requirement to consult on this occasion. However,
        because of the level of interest the proposal may generate with stakeholders, Ofcom
        considers it appropriate to consult., Ofcom does not intend to consult on all non-
        material amendments to the Undertakings, and will decide whether or not to consult
        on such amendments in the future on a case by case basis.

2.7   Although Section 155 of the Enterprise Act does not apply in this instance, the period
        stipulated for consultation in the Act is a minimum of 15 days.   It is Ofcom's view
        that in this case a four week consultation is appropriate.   This means that the
        deadline contained in section 5.45 will pass during the consultation period.   Ofcom
        and BT have therefore agreed to extend the deadline set out in Undertaking 5.45 for
        a period of one month from the 22nd September 2006. Ofcom and BT have on 6th
        September 2006 executed a variation replacing "12 months" with "13 months" in
        Undertaking 5.45, a copy of which is contained in Annex 2 to this consultation
        document.

Section 3

Proposals and Assessment

Ofcom's approach to the varying of the Undertakings

3.1   The Enterprise Act requires that Ofcom should "have regard to the need to achieve as comprehensive a solution as is reasonable and practicable to the adverse effect on competition". Ofcom's competition concerns were set out in its Strategic Review of Telecommunications Stage 2 Consultation Document[2] ("the Review").   In considering the case for varying the Undertakings, Ofcom must consider whether this solution is materially and negatively affected by the variation in question.

3.2   The variation addresses three issues:

      i.   The different levels of systems separation

      ii.   The level of separation that is proportionate for shared MIS systems

      iii.   The roadmap for MIS systems

3.3   As stated in Paragraph 2.6, Ofcom does not consider the proposed variation to be material and it therefore follows that the variation does not in anyway materially affect the comprehensive solution that the Undertakings represent. Furthermore Ofcom considers that the variation will not have a negative impact on the comprehensive solution and in particular Equality of Access . In this section Ofcom sets out our assessment of the impact on Equality of Access of the level of separation implemented for BT's MIS and the delivery of the roadmap.   We propose variations to the Undertakings and assess the impact of our proposals. For the purposes of this consultation, this section serves as an impact assessment.

MIS Systems

3.4   The Undertakings require logical partitioning for MIS systems by 22nd September 2006. In considering separation, Ofcom has found it useful to view systems as having four dimensions:

- Users – the people who use the system, for example employees working in Openreach and the rest of BT;

- Data – the underlying data upon which the system acts;

- Application – the specific instance of the 'software' which the system runs; and

- System – the whole system including the hardware platform.

3.5   In clarifying the types of separation, Ofcom and BT have found it helpful to identify three levels, of which the first two are referenced in the proposals in this consultation:

- "Level 1 System Separation" means the application of access rights and controls to restrict access to information and, in the case of Operational Support Systems,

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[2] http://www.ofcom.org.uk/consult/condocs/telecoms_p2/tsrphase2/

functionality . Such controls will ensure that users can only have access to which they are entitled or which they are permitted, consistently with the Undertakings.

- "Level 2 System Separation" means both (a) separation of the data held by the system and (b) separate instances of the application software such that users can only have access to which they are entitled or which they are permitted, consistently with the Undertakings.

- "Level 3 System Separation" means Level 2 System Separation plus physical separation of the supporting computer hardware such that the Openreach hardware can operate independently of other BT systems outside Openreach.

3.6 In determining the level of separation appropriate for a specific system, Ofcom and BT have also found it helpful to clarify the definition of MIS:

- "Management Information Systems" means those management information systems which hold Commercial Information and/or Customer Confidential Information and which are used by BT to help plan and direct business and organisational operations, decision making and competitive strategies.

System Separation as required by the Undertakings

3.7 Ofcom understands that BT's approach to the separation of MIS systems is to build new, separate systems and migrate to them, to shut down legacy system and to re-scope existing systems so that they are no longer shared. In general, then, it is not BT's approach to separate systems: BT considers that such investment in legacy systems is inefficient. However, BT recognises that it is not possible to close or re-scope all relevant systems because of continued use. So there are some systems in which investment is necessary to achieve a degree of separation. BT is therefore implementing user access controls to effect separation, i.e. Level 1 System Separation.

3.8 User profiles and rights are commonly used as a means of controlling access to information and capability within systems. Prior to the Undertakings, BT had for many years used training and compliance procedures to control the use of information and, in limited situations, this was enhanced with access to certain information being controlled by user rights. These measures were, amongst other objectives, in place to meet extant regulation requiring no undue discrimination. The limited access controls were, in general, based on the role of the users and the application which the user was accessing, not the user's line of business.

3.9 As part of this variation, Ofcom proposes that, for those MIS systems for which Level 1 System Separation is appropriate, BT be required to implement a user access control regime which gives confidence that system users can only access the data or functionality which they are entitled to access under the Undertakings. Ofcom is aware that this regime will be designed on a system by system basis but in essence access controls will be based on the line of business of the user, as well as their role or the application they are using.

3.10 Ofcom is proposing and BT has agreed that the rigour of the Level 1 MIS Separation should be tested by independent external audit. Ofcom is aware that BT intend to implement a system by which data access rights are registered against the unique identification of a BT employee, which has the potential to improve traceability and enforcement. This should assist in the external audit process.

3.11   It is Ofcom's view that the user access regime to be implemented by BT combined with the implementation of external independent audit are such that it is proportionate that BT implement Level 1 System Separation for certain listed MIS systems, until such time as Level 2 System Separation is implemented. The implementation of Level 2 System Separation will be set out in a roadmap for MIS systems separation (see below) and will be complete by 30th June 2010 at the latest.

3.12   Ofcom also proposes that, following timely consultation with Ofcom and taking into account Ofcom's comments, BT will provide Ofcom with a roadmap setting out how BT plans to implement Level 2 Separation for the MIS systems listed (other than those MIS which will be no longer shared, closed, replaced or otherwise agreed with Ofcom). The delivery of this Roadmap, by 30th June 2007, will be a binding Undertaking.   The roadmap will be a plan; the dates in the roadmap will not be binding under the terms of this Variation. As the future plans for BT's MIS systems are a matter of commercial confidentiality, particularly with regard to the suppliers of those systems, it will not be possible to make all elements of the roadmap public but BT and Ofcom will agree what is suitable for publication.   Ofcom will publish our view of progress against the Roadmap in the ordinary course of our implementation reporting, subject to commercial confidentiality.

MIS which will be subject to Level 1 Separation

3.13   Of the 71 MIS shared between Openreach and the rest of BT, BT estimates 58 of them will no longer be shared at any level by 22nd September 2006 as they will be put beyond shared use through migration, de-scoping or closure. The remaining 13 systems are listed in the table below:

Table 1, Named MIS

System	Overview
Amethyst Wholesale	Amethyst provides reports for BT Wholesale and other Lines of Business, mainly concerned with network volume delivery and financial information (programme spend etc.).
Aspire	BT Regulatory product reporting system. It provides BT's Accounting Separation "Financial Statements for the Businesses and Activities".
CDS	A data warehouse which delivers quality of service management information on provision, repair, customer contact and call centre activities.
eCAESAR	A system which extracts service performance data from COSMOSS and makes it available on a Web Page.
CID	The Central Information Database is a data warehouse from which financial management reports can be extracted.
NetView	Provides performance information for individual products.
NIMS MIS	A data warehousing system used in Network Engineering to measure performance of field force activities.

RM Datamart	Facilitates decisions such as the movement of resources across sector boundaries to meet predicted demands on the field force.
Web MIS	Provides reports to identify the causes of customer dissatisfaction and business performance issues.
Retail Amethyst	Provides reports to support debt management process
POWERHOUSE	Powerhouse is BT's product volumes data warehouse which provides reporting on product volumes and revenue
CAMERA	CAMERA provides information to guide marketing campaigns
Hyperion Strategic Finance	A financial application which provides finance related management information, such as a balance sheets and cash flow reports.

3.14 The separation of shared data and applications for these systems present particular challenges for two reasons:

- complexity of data separation particularly where the MIS in question uses data from legacy and/or shared systems; and/or

- a strategic replacement is planned for the system in line with BT's 21CN Platform Architecture ("the Matrix").

3.15 Ofcom would therefore require that the latest date for Level 2 separation of MIS would be 30th June 2010.

3.16 For these reasons, and based on the proposals summarised below, Ofcom believes it is proportionate to agree to Level 1 separation of these systems until Level 2 separation is implemented.

- For the 13 named systems, BT will implement Level 1 System Separation to ensure that access to Openreach data is restricted, consistently with the Undertakings.

- BT will ensure that there is in place an independent external audit regime, which will apply to all shared MIS systems for which Level 1 System Separation is implemented.

- The 13 MIS systems named will achieve Level 2 separation not later than 30th June 2010 unless they are closed, replaced or unless otherwise agreed by Ofcom

Summary of proposals

3.17 The draft Variation is set out in Annex 1. It reflects the following proposals:

- BT will implement Level 1 Separation for the 13 named MIS systems by the deadline set out in Undertaking 5.45. The rigour of such separation shall be tested through independent external audit.

- BT will implement Level 2 Separation for the 13 named MIS by 30th June 2010.

- Ofcom also proposes that, following timely consultation with Ofcom and taking into account Ofcom's comments, BT will provide Ofcom with a roadmap setting out how BT plans to implement Level 2 Separation for the MIS systems listed. The delivery of this roadmap, by 30th June 2007, will be a binding Undertaking. The roadmap will be a plan and the dates in the roadmap will not be binding under the terms of this Variation. As the future plans for BT's MIS systems are a matter of commercial confidentiality, particularly with regard to the suppliers of those systems, it will not be possible to make all elements of the roadmap public but BT and Ofcom will agree what is suitable for publication. Ofcom will publish our view of progress against the Roadmap in the ordinary course of our implementation reporting, subject to commercial confidentiality.

BT will implement Level 2 System Separation with regard to the systems referenced in section 8.5.

Question 1: Do you agree with the proposals to vary the Undertakings contained in this Consultation?

The Impact of the Variation

3.18 In proposing to vary the Undertakings in this way Ofcom considers that the Undertakings continue to represent a comprehensive solution as is reasonable and practicable to the adverse effects on competition identified in the Review because:

- The 13 named MIS will be put beyond shared use by 30th June 2010 at the latest unless otherwise agreed with Ofcom;

- The access controls implemented will be subject to independent external audit; and

- A roadmap setting out how the MIS systems currently shared between Openreach and the rest of BT will be separated or put beyond shared use will be provided by BT to Ofcom by 30th June 2007.

Next Steps

3.19 Draft proposed wording for the Variation to the Undertakings is set out in Annex 1. This consultation runs until 6th October 2006. Ofcom plans to publish a Statement in October 2006.

3.20 Details on how to respond to this consultation, and Ofcom's consultations process are included in Annexes 3 and 4. Annex 5 provides the cover sheet to attach to your consultation response, and Annex 6 lists the specific questions raised by Ofcom in this document.

Annex 1

Draft Variation Document

Variation of Undertakings given to Ofcom by BT pursuant to the Enterprise Act 2002

Variation Number: 4

AMENDED BY Ofcom   04 September 2006

WHEREAS:

(a)   British Telecommunications plc ('BT') has given Ofcom certain undertakings ('the Undertakings') which took effect on 22 September 2005, pursuant to the Enterprise Act 2002;

(b)   by virtue of section 18.1 of the Undertakings, BT and Ofcom may from time to time vary and amend the Undertakings by mutual agreement;

(c)   BT and Ofcom have agreed to vary the Undertakings as hereinafter appears.

NOW THEREFORE:

It is hereby agreed between BT and Ofcom pursuant to section 18.1 of the Undertakings that the Undertakings are varied as follows:

1.   Definitions and interpretation

        1.1   Words or expressions hereinafter appearing have the same meanings as in the Undertakings.

        1.2   References hereafter to section numbers are references to section numbers in the Undertakings.

1.3   Section 2.1 of the Undertakings (definitions) is amended to include the following   definitions:-

        "Level 1 System Separation" means the application of access rights and controls to restrict access to information and, in the case of Operational Support Systems, functionality . Such controls will ensure that users can only have access to which they are entitled or which they are permitted, consistently with the Undertakings.

        "Level 2 System Separation means both (a) separation of the data held by the system and (b) separate instances of the application software, such that users

can only have access to which they are entitled or which they are permitted, consistently with the Undertakings;

1.4   The definition of "Management Information Systems" in section 2.1 of the Undertakings is amended to read as follows:

"Management Information Systems" means those management information systems which hold Commercial Information and/or Customer Confidential Information and which are used by BT to help plan and direct business and organisational operations, decision making and competitive strategies.

2. <u>Section 5.45</u> is deleted in its entirety and replaced with the following:

5.45.1 Within 13 months of these Undertakings taking effect BT shall implement Level 2 System Separation of its Management Information Systems between AS and the rest of BT, apart from those listed in Annex 5.

5.45.2 Within 13 months of these Undertakings taking effect BT shall implement Level 1 System Separation of those Management Information Systems listed in Annex 5 between AS and the rest of BT such that they do not lead to undue discrimination against other Communications Providers.

5.45.3 By 30 June 2010 BT shall implement Level 2 System Separation of those Management Information Systems listed in Annex 5 between AS and the rest of BT other than in relation to those Management Information Systems which:-

a) are no longer shared, or

b) are closed or have been replaced, or

c) have been otherwise agreed between BT and Ofcom.

5.45.4 The implementation and ongoing application of any Level 1 System Separation referred to in section 5.45.2 shall be audited by independent, external auditors.

5.45.5 BT, following timely consultation with Ofcom and after consideration of Ofcom's comments, will provide Ofcom with a roadmap by 30 June 2007 which will set out how BT plans to implement Level 2 System Separation between AS and the rest of BT for those Management Information Systems listed in Annex 5 (other than those Management Information Systems which will be no longer shared, or will be closed or replaced or have been the subject of an agreement between BT and Ofcom under section 5.45.3 (c)) by 30 June 2010. The roadmap will be a plan and all dates contained in it will not be legally binding. For the avoidance of doubt the existence of the roadmap will in no way affect the IBMC dates set out in Annex 1 of the Undertakings.

3. <u>Section 8.5</u> is amended by

a) replacing the first sentence with the following two sentences:-

 "BT shall implement Level 2 System Separation between AS on the one hand and the Upstream and Downstream Divisions on the other of any system which is not a Management

Information System or Operational Support System but holds Commercial Information and Customer Confidential Information by the IBMC date for Wholesale Analogue Line Rental given in Annex 1. For the avoidance of doubt the obligation in this section does not extend to any system which is operated exclusively by a function located outside AS and the Upstream and Downstream Divisions, or by a function listed in Annex 2 and accessed only by people in Annex 2

b) Amending the previous second sentence by replacing "logical separation" with "Level 2 System Separation" "

4. The Undertakings shall be amended by the inclusion of Annex 5 in the form attached hereto.

5. These variations of the Undertakings take effect immediately upon signature hereof on behalf of both parties.

Signed for and on behalf of British Telecommunications plc

Signature   _____

Name   _____

Position   _____

Date   _____

Signed for and on behalf of Ofcom

Signature   _____

Name   _____

Position   _____

Date   _____

Annex 5 of the Undertakings - The List of MIS Systems referred to in Section 5.45

This List is subject to verification/change prior to signature

Amethyst Wholesale	Amethyst provides reports for BT Wholesale and other Lines of Business, mainly concerned with network volume delivery and financial information (programme spend etc.).
Aspire	BT Regulatory product reporting system. It provides BT's Accounting Separation "Financial Statements for the Businesses and Activities".
CAMERA	CAMERA provides information to guide marketing campaigns
CDS	A data warehouse which delivers quality of service management information on provision, repair, customer contact and call centre activities.
CID	The Central Information Database is a data warehouse from which financial management reports can be extracted.
eCAESAR	A system which extracts service performance data from COSMOSS and makes it available on a Web Page.
Hyperion Strategic Finance	A financial application which provides finance related management information, such as a balance sheets and cash flow reports.
NetView	Provides performance information for individual products.
NIMS MIS	A data warehousing system used in Network Engineering to measure performance of field force activities.
POWERHOUSE	Powerhouse is BT's product volumes data warehouse which provides reporting on product volumes and revenue
Retail Amethyst	Provides reports to support debt management process
RM Datamart	Facilitates decisions such as the movement of resources across sector boundaries to meet predicted demands on the field force.
Web MIS	Provides reports to identify the causes of customer dissatisfaction and business performance issues.

Annex 2

Variation Document of 6th September

Variation of Undertakings given to Ofcom by BT pursuant to the
Enterprise Act 2002 - Variation Number: 4

WHEREAS:

(a)   British Telecommunications plc ('BT') has given Ofcom certain undertakings ('the Undertakings') which took effect on 22 September 2005, pursuant to the Enterprise Act 2002;

(b)   by virtue of section 18.1 of the Undertakings, BT and Ofcom may from time to time vary and amend the Undertakings by mutual agreement; and

(c)   BT and Ofcom have agreed to vary the Undertakings as hereinafter appears.

NOW THEREFORE:

It is hereby agreed between BT and Ofcom pursuant to section 18.1 of the Undertakings that the Undertakings are varied as follows:

1.   **Definitions and interpretation**

1.1   Words or expressions hereinafter appearing have the same meanings as in the Undertakings.

1.2   References hereafter to section numbers are references to section numbers in the Undertakings.

2.   **Section 5.45**

Section 5.45 is amended by replacing "12" with "13".

3.   **Effect**

This agreement shall take effect immediately upon signature hereof on behalf of both parties.

Signed for and on behalf of British Telecommunications plc

Signature   _____

Name   _____

Position   _____

Date   _____

Signed for and on behalf of Ofcom

Signature   _____

Name   _____

Position   _____

Date   _____

Annex 3

Responding to this consultation

How to respond

A3.1   Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 7th October 2006**.

A3.2   Ofcom strongly prefers to receive responses using the online web form at http://www.ofcom.org.uk/consult/condocs/mis/, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.

A3.3   For larger consultation responses - particularly those with supporting charts, tables or other data - please email chinyelu.onwurah@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.

A3.4   Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Chinyelu Onwurah
Floor 2
Dept T&SO
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3052

A3.5   Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

A3.6   It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 6. It would also help if you can explain why you hold your views.

Further information

A3.7   If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Chinyelu Onwurah on 020 7981 3802.

Confidentiality

A3.8   We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all

responses on our website, www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response coversheet that this is acceptable).

A3.9   All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex so that non-confidential parts may be published along with the respondent's identity.

A3.10   Ofcom reserves its power to disclose any information it receives where this is required to facilitate the carrying out of its statutory functions.

A3.11   Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use in order to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website at http://www.ofcom.org.uk/about/accoun/disclaimer/

Next steps

A3.12   Following the end of the consultation period, Ofcom intends to publish a statement in October 2006.

A3.13   Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

A3.14   Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.

A3.15   If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.

A3.16   If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 4

Ofcom's consultation principles

A4.1   Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A4.2   Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A4.3   We will be clear about who we are consulting, why, on what questions and for how long.

A4.4   We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A4.5   We will normally allow ten weeks for responses to consultations on issues of general interest.

A4.6   There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organizations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A4.7   If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A4.8   We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Consultation response cover sheet

A5.1   In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.

A5.2   We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed coversheets confidential.

A5.3   The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.

A5.4   We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.

A5.5   Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your coversheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing	☐	Name/contact details/job title	☐
Whole response	☐	Organisation	☐
Part of the response	☐	If there is no separate annex, which parts?	

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here. ☐

Name   Signed (if hard copy)

Annex 6

Consultation question

Question 1: Do you agree with the proposals to vary the Undertakings contained in this Consultation?