

Reference: 01543572

Temiloluwa Dawodu
Information Rights Advisor
information.requests@ofcom.org.uk

16 December 2022

Freedom of Information: Right to know request

Thank you for your request for information as detailed below. We received this request on 8 December 2022. We have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

I would like to know if this Company has had complaints logged against them in the past and the types of complaints received? how many customers have been taken to court by them or received bailiffs on their door steps?

Our response

We can neither confirm nor deny whether we hold the information you requested. By virtue of section 44(2) of the FOI Act, the duty to confirm or deny holding information does not arise if the confirmation or denial that would be given in itself reveals information that falls under the exemption in section 44(1) of the FOI Act. Section 44(1) provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. In this instance, disclosure of such information is prohibited under section 393(1) of the Communications Act 2003 (the Act). Section 393 of the Act prohibits the disclosure of information about a particular business which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and does not require a public interest test.

I hope this information is helpful. 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,

Temiloluwa Dawodu

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk.

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