

Reference: 01471391

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26 July 2022

Freedom of Information request: Right to know request

Thank you for your request for information concerning compliance cases. Your request was received on 27 June 2022 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”). We sought clarification of your request on 5 July 2022 and this was received on 14 July 2022.

Your request

1. This request for information relates to your experience of handling compliance cases (by which we mean cases involving engagement by you with the firms, organisations, or individuals which you regulate regarding potential breach of their regulatory obligations), the associated timescales and outcomes and your approach to follow up.

2. We wish first of all to know:

(a) how many compliance cases were opened by you in the each of last five calendar years (i.e., 2017, 2018, 2019, 2020 and 2021);

(b) of the compliance cases opened in each of those years, how many remain open and how many have been resolved;

(c) of the compliance cases opened in each of those years which have been resolved:

(i) how many were resolved without the opening of a formal investigation (by which we mean the exercise of statutory powers to gather information from firms, organisations, or individuals suspected of breaching their regulatory obligations);

(ii) how many (distinguishing between those resolved without the opening of a formal investigation and other cases) were resolved in (i) less than six months; (ii) between six months and 12 months; and (iii) more than 12 months

3. Second, we wish to know, in relation to the resolved cases disclosed in your response to Q2(b) above (and distinguishing in each case between those resolved with and without the opening of a formal investigation) how many resulted in:

(a) a finding or admission of breach on the part of the regulated firm, organisation or individual;

(b) a payment of a financial penalty and/or making of financial redress;

(c) a change (or undertakings as to a change) in the conduct of the regulated firm, organisation or individual;

(d) a change in the senior management of the regulated firm or organisation;

(e) none of the above.

4. Third, we wish to know, in relation to each of those resolved cases disclosed in your responses to Q3(a)-(d) above, in how many of those cases (distinguishing in each case between those resolved with and without the opening of a formal investigation) have you:

(a) followed up with the firm, organisation, or individual to check up on the compliance areas examined in the resolved case;

(b) opened another compliance case (whether related to the resolved case or not) involving the same firm, organisation, or individual.

Clarified as

I can confirm that:

- we are only interested in those cases in which you have specific grounds to suspect that a regulated person may have committed / is committing a breach of his regulatory obligations. In such cases, we imagine that you (in common with other regulators) may have a policy of pursuing alternative forms of engagement to avoid having to launch a formal investigation into the suspected breach.*
- Our request applies to each of the sectors which you regulate.*

Our response

I can confirm that we do hold information falling within the scope of your request. However, we are unable to provide this information under your request as we consider that disclosure of this information is exempt under section 12 of the FOI Act. Section 12 of the Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Regulations”), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. We estimate that it would take over 18 hours to locate, retrieve, identify and extract the information you have requested.

You will however find some of the requested information about compliance cases, including details of our investigations, as well as our open and closed cases and those we are monitoring for compliance, in our published [Annual reports and plans](#) and in the following bulletins:

- [Broadcast and On Demand Bulletins](#)
- [Complaints about BBC online material Bulletin](#)
- [Competition and Consumer Enforcement Bulletin](#)

Once you have had a look at the above pages, if you wish to consider submitting a further narrower and more focused request, we would be happy to consider this under the FOI Act. Should you decide

to make a further request for information, please note the aforementioned appropriate limit, or other exemptions, may apply.

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

Zach Westbrook

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF