

Reference: 01430209

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24 March 2022

## Freedom of Information: Right to know request

Thank you for your request for information in relation to fines imposed on telecoms companies. We received this request on 7 March, and you further clarified on 10 March. We have considered it under the Freedom of Information Act 2000.

You asked:

*What fines are imposed by you to telecoms companies for failing to bill customers correctly?*

*The company is. A member of your TMBS accreditation and revenue is over £55m.*

*I am keen to understand what happens if they fail this and continue to do so after a fine.*

And

*I just want to know what the penalties are if a company breaches your TMBS conditions. I can see O2 fines for over billing and Post Office or BT etc. but I want to know what the maximum fine is? Is it 10% Group turnover? Unlimited etc.*

## Our response

The maximum penalty we can impose is dependent on the legislation being enforced. For billing issues we typically enforce against the [General Conditions of Entitlement](#) (in particular GC C3) which allow penalties of up to 10% of a company's relevant turnover. Fines are determined on a case by case basis and are based on our consideration of a number of factors such as those detailed in our [penalty guidelines](#). To ensure that companies do not continue to contravene the General Conditions, Ofcom is able to apply a capped daily penalty on top of the main penalty. Where a company comes into compliance but later repeats a contravention, this will be taken into account in any subsequent investigation and penalty assessment.

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Eleanor Scott

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](mailto: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