

Reference: 01424737

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1 March 2022

### Freedom of Information request: Right to know request

Your email dated 1 February 2022 raising questions about upcoming regulation for Emergency BSL which was sent to the team at [emergencyBSL@ofcom.org.uk](mailto:emergencyBSL@ofcom.org.uk) has been passed to me as it contains a question (i.e question 8) that falls under the Freedom of Information Act 2000 (the 'FOI Act'). This question has now been considered under the FOI Act. The remaining questions will be answered by the emergency BSL team in due course.

### Your request

*In relation to upcoming regulation (Emergency BSL) you asked: "I note that there are questions from other telcos regarding both the implementation time and the commercials, have these been responded to? If so, can I see copies?"*

### Background:

In June 2021, we published [a statement](#) explaining our decision to require communications providers to provide, or contract to provide, a free 24/7 emergency video relay service approved by Ofcom. This requirement was implemented through General Condition C5.11<sup>1</sup> and will enter into force on 17 June 2022. This new requirement will sit alongside, and be in addition to, the existing requirements for emergency text relay and emergency SMS. For further information on the new General Condition requirement relating to emergency video relay, please visit: [Statement: Emergency video relay - Ofcom](#) and [Statement: Emergency video relay – approval of Sign Language Interactions' service - Ofcom](#)

### Our response

I can confirm that we do hold information falling within the scope of your request, however we consider that disclosure of this information is exempt under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 (the Act) prohibits the disclosure of information about a particular business (in this case the telecommunications companies) which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that

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<sup>1</sup> The General Conditions of entitlement can be found here: [General Conditions of Entitlement - Ofcom](#)

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 therefore is not subject to a public interest test.

Please note that other exemptions may also apply.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto: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](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