

Reference: 01650649

Information Requests
information.requests@ofcom.org.uk

17 August 2023

Freedom of Information request: Right to know request

Thank you for your request concerning the use of market research in regulatory functions. Your request was received on 25 July 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

I am interested in understanding more about Ofcom's preference for 'market research' in relation to its regulatory functions, as prefigured in your regulatory guidance, as stated in 'Ofcom's Impact Assessment Guidance

Statement on our updated guidance' published on 19th July 2023

<https://www.ofcom.org.uk/consultations-and-statements/category-1/draft-impact-assessment-guidance>

Specifically, I would like to request the following information:

- 1. Could you please explain why 'market research' is prefigured in relation to Ofcom's regulatory functions? What is the rationale behind this preference?*
- 2. Could you provide information on where this preference for market research originates? Are there any specific documents, policies, or decisions that led to this preference?*
- 3. Has Ofcom considered alternative forms of research in its regulatory functions? If so, could you provide details on what these alternatives are and why they were not chosen?*
- 4. Has an Equality Impact Assessment been undertaken to test the use of the market research that Ofcom commissions? If so, could you please provide a copy of this assessment or a summary of its findings?*

Your request

By way of background, the FOI Act requires Ofcom to provide any information we hold (unless an exemption applies). Your questions generally ask for explanations rather than information we may currently hold and for the most part do not therefore fall within the scope of the FOI Act. To help answer your questions, we have set out below what we mean when we refer to 'market research' and how equality considerations are taken into account as an integral part of our research.

What we mean by ‘market research’

As outlined in our [Statement](#) on our updated impact assessment guidance (paragraph 3.43), we have a programme of market research which enables us to understand consumer behaviours and attitudes in relation to the sectors we regulate. We use the phrase ‘market research’ as a catch-all for the wide variety of work our market research and market intelligence teams undertake to help inform our policies. Broadly, when we refer to ‘market research’ we mean actively collating information about consumer behaviours, attitudes and needs.

Market research may be carried out on a regular basis using annual nationally representative quantitative surveys to track and monitor these over time and understand differences between different demographics and to identify particularly underserved groups. We also commission bespoke research as needed to inform particular policy questions. We have commissioned a range of different methodologies for this depending on what is considered the most appropriate approach in the circumstances.

Types of market research

Qualitative methodologies allow us to do deep dives into particular issues and/or with a certain types of consumer (e.g. particular age, particular types of users, particular regions). These approaches have included deliberative research, ethnographic studies, online communities, focus groups and depth interviews. Quantitative methodologies enable us to understand the prevalence of particular attitudes or behaviours across the population. Again, these could be carried out using different approaches (face to face, telephone or online) depending on what is most appropriate or feasible and can be scaled-up to enable us to do more granular demographic analysis.

Our statement on updating our impact assessment guidance is largely a description of how we already work. We did not undertake any separate analysis on whether and how Ofcom should be using market research as part of that project. Our statement does however explain that we will continue to consider how we can best engage with, and seek the views of, specific groups of persons (including under-represented and disadvantaged groups and communities) likely to be particularly affected by our proposals (paragraph 3.47). It also explains that we will consider whether there may be further opportunities to engage with external organisations and advisory bodies (paragraph 3.48). Further information is available in our [Diversity and Inclusion Progress Update 2022/23](#) (page 14).

The objectives and scope of research

Considering the impact on different or particular demographic groups and types of consumer is an integral part of any market research we may decide to carry out or commission, and the objectives and scope of any market research may take equality impacts into account in a number of ways. For example:

- Based on previous evidence / findings that indicate or suggest a particular group could be negatively impacted by a particular policy decision which will then shape the research objectives and research brief.
- If any potential impact on a group is unknown, ensuring any research identifies any group which could be negatively impacted or for the research to be used to highlight any potential concern with a policy decision from a consumer perspective.

- As part of the research design process, all stages of the research are considered to ensure it is inclusive for participants, including recruitment, fieldwork materials, language, accessibility considerations.

Where we decide to commission research, we will prepare a brief for agencies on our market research framework. They are then invited to submit proposals to address the research objectives.

We ensure our market research projects are conducted in accordance with the Market Research Society [Code of Conduct](#) which ensures research is conducted in a professional and ethical manner at all times.

Other sources of evidence

As explained in our [Statement](#) on our updated impact assessment guidance (paragraph 3.45), market research – including commissioning research and reaching out to charities, organisations such as Citizens Advice and advisory bodies including the Communications Consumer Panel (CCP) and the Advisory Committee for Old and Disabled Persons (ACOD) – is just one potential source of evidence we use to help inform our policy decisions. Other sources of information include our public calls for evidence; hosting events such as conferences; complaints data we gather or provided by organisations such as Which?; responses to information requests issued to companies we regulate; and a [behavioural insights programme](#) using, for example, online experiments to inform the Online Safety workstreams. The type of information we use will depend on what is considered appropriate in the circumstances.

I hope this information is helpful. 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

Information Requests

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