

Reference: 01551773

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2 February 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning service failures reported by Royal Mail. Your request was received on 5 January 2023 and we have considered it under the Freedom of Information Act 2000 (FOI Act).

Your request

Service failures reported by Royal Mail to Ofcom from 01/11/2022 to 01/01/2023

Our response

Background:

Under condition 1.11.1 of the [Designated Universal Service Provider \(DUSP\) Condition](#), Royal Mail, as a universal service provider, is required at all times to maintain appropriate contingency plans, which set out the measures to be taken by it to ensure as far as practicable the provision of certain services¹ without interruption, suspension or restriction of any service in the event, locally, regionally or nationally, of industrial action, an emergency or a natural disaster, and implement those plans, as appropriate, where such events occur. It is also required to review and where appropriate, update or amend its contingency plans.

An effective and ongoing monitoring regime is one of the key safeguards of the regulatory framework that Ofcom put in place in the postal sector. As part of our work we observe public announcements from Royal Mail on operational issues and [service updates](#).

Response:

We can neither confirm nor deny whether we hold information on service failures reported by Royal Mail to Ofcom from 01/11/2022 to 01/01/2023. 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 56 of the

¹ Services required by DUSP Condition 1.4 to 1.7

Postal Services Act 2011. Section 56 of the Postal Services Act 2011 prevents us from disclosing information that we have obtained, which relates to the affairs of a particular business (so long as the business is being carried on), unless we have the consent of that business or one of the other gateways for disclosure in section 56(2) of the Postal Services Act 2011 applies, neither of which apply here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

We also consider that other exemptions under the FOI Act such as section 41(2) of the FOI Act would be applicable here.

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

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