

Reference: 01843857

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

24 July 2024

## Freedom of Information request: Right to know request

Thank you for your request for information about EE's text transmission.

We received this request on 27 June 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

### Your request

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*"Under the Freedom of Information Act, I would like to request information concerning the EE company's recent massive mistaken text transmission and Ofcom's response thereto. I would be most grateful for a written reply. Where I have requested numerical answers, I shall be content with approximate numbers (eg. 500-550 complainants; a 10% band is acceptable).*

*On or around 13th May 2024, the EE company Ltd registered at 1 Braham Street, London. EI 8EE issued texts to its PAYG customers informing them that their phones would be turned off unless they made a chargeable call/text and followed up with the text message that presages disconnection. This was sent to a large number of customers and the EE company has accepted that it was a mistake because those customers had indeed made chargeable calls/texts and should under no circumstances be turned off.*

- 1. On what date did the EE company notify Ofcom that this massive, mistaken text transmission had occurred?*
- 2. How many EE company customers were affected by the broadcast of false texts?*
- 3. Did Ofcom demand that corrective texts were send out to allay the fears of EE PAYG customers and were these corrective texts actually sent?*

*The following questions drill down into the way Ofcom handled complaints from PAYG customers who had written in to complain about the EE company's mistaken text transmission.*

- 4. How many EE company customers wrote to inform Ofcom about the false text broadcast?*
- 5. Were these complainants advised that since their complaint was specific and individual they should refer it to the ADR at Warrington?*

*I have tried to be precise and specific but if I have failed, please do not hesitate to seek*

clarification.”

## **Our response**

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We understand that this must be upsetting however after having searched for the information you requested under questions 1, 2 and 3, we do not hold information within the scope of your request.

In response to questions 4 and 5, whilst we may have received complaints about this issue, we are unable to confirm or deny we hold any information as this is exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the Act). Section 393(1) of the Act prevents us from disclosing information about a particular business, in this case EE Ltd, which we have obtained in the course of exercising a power conferred by, among other legislation, the Act, 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 apply here. Section 44 is an absolute exemption under the FOI Act and does not require a public interest test.

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,

## **Information Requests**

### **Request an internal review**

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

### **Taking it further**

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).