

Reference: 01732526

Information Requests
information.requests@ofcom.org.uk

8 January 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning calls made by Twilio. Your request was received on 7 December 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

By way of background, Ofcom continues to take abandoned and silent calls seriously and we actively work with industry to reduce the harm caused by these calls, as well as scam calls more generally. Where someone is repeatedly making abandoned and/or silent calls, Ofcom may take formal enforcement action, which includes fining telecoms providers up to £2 million. Where appropriate, we also sometimes take informal action such as engaging with operators to drive improvement. We continually monitor complaints about abandoned and silent calls and choose the most appropriate approach to take on a case-by-case basis.

Ofcom provides some advice on how to report abandoned and silent calls here:

<https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/problems/tackling-nuisance-calls-and-messages/abandoned-and-silent-calls>. It also publishes information on unwanted calls/messages, abusive/threatening calls and spam texts here: <https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/problems/tackling-nuisance-calls-and-messages>.

Your request & our response

1.0 How many complaints has Ofcom received about silent/discontinued/nuisance telephone calls made by Twilio Ltd (and its affiliates) during the last five years - i.e. from Jan 2018 - Dec 2023?

2.0 How many such nuisance calls have been made by Twilio Ltd (and its affiliates) to members of the public during the abovementioned time period (as per Ofcom records)?

With regards to the above two questions, Ofcom has allocated telephone numbers to Twilio Ireland Limited (Twilio), which it could assign to users or suballocate to other operators or use itself. It would be difficult for us to determine if any nuisance calls complaints received relating to numbers

allocated to Twilio were made by Twilio itself or its affiliates or whether these were made to members of the public (as opposed to calls made to organisations, businesses etc).

If you wish to obtain information about the numbers of complaints Ofcom has received relating to telephone numbers that Ofcom has allocated to Twilio, this information would be exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 (the Act) prohibits us from disclosing information about a particular business (such as Twilio) which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory disclosure gateways under section 393(2) of the Act is met, neither of which apply here. Section 44 of the FOI Act is an absolute exemption and does not require a public interest test.

3.0 What fees has Twilio Ltd. paid to Ofcom during the last five years?

In relation to any regulatory fees, Twilio is one of a number of network and service providers who have had relevant turnover in excess of £5 million in recent years, and therefore has been liable to contribute towards Ofcom's administrative fees for our work in the telecoms sector.

Every year, we publish the list of the operators who are billed for Ofcom's administrative fees for telecoms and the relevant turnover bands that determine how much an individual telecoms operator will have to pay. Please see here:

https://www.ofcom.org.uk/__data/assets/pdf_file/0020/260840/network-services-admin-charges-2023-24.pdf and https://www.ofcom.org.uk/__data/assets/pdf_file/0015/256002/2023-24-tariff-tables.pdf.

However, we are unable to disclose what Twilio contributes towards Ofcom's administrative fees as this was calculated based on information we obtained about Twilio's turnover, and therefore the information could give an indication of what their turnover is. We consider that this information 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 by or under any enactment. Section 393 of the Act prohibits us from disclosing information about a particular business (such as Twilio) which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory disclosure 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.

In relation to any financial penalties (i.e. enforcement penalties) there has not been enforcement against Twilio (as set out in our response below) and they have not paid any enforcement fees or penalties.

4.0 What action has Ofcom taken against Twilio during the last five years?

Ofcom have not taken any formal enforcement action against Twilio. Note that enforcement investigations undertaken by Ofcom are published in this enforcement bulletin:

<https://www.ofcom.org.uk/about-ofcom/bulletins/enforcement-bulletin>.

5.0 What is the total sum of fines that Ofcom has levied against Twilio Ltd. and/or its affiliates - in respect of illegal nuisance telephone calls during the last 5 years?

£0 levied against Twilio.

6.0 On how many different occasions, during the last 5 years, have Ofcom staff "met with the company (Twilio Ltd) to discuss its compliance with the law"?

We have not met with Twilio to discuss its compliance with the law.

7.0 What, if anything, has been the outcome of any "monitoring of improvement" that has been conducted, by Ofcom, in respect of Twilio Ltd. during the last five years?

We are unable to disclose such information as we consider it is exempt from disclosure under section 44 of the FOI Act. We explain above what this exemption states. We also consider that other exemptions such as section 43 of the FOI Act might be applicable here (more information on this can be found here: <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/>).

However, as mentioned in the background, Ofcom works with a number of telecoms providers on a continued basis to reduce the number of nuisance calls consumers receive.

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