

Reference: 1954259

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

7 March 2025

## Freedom of Information request: Right to know request

Thank you for your request for information about consumer complaints related to gaming subscription services.

We received this request on 7 February 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

### Your request and our response

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*I am writing to request information under the Freedom of Information Act 2000 regarding consumer complaints related to gaming subscription services. Specifically, I would like to request the following:*

*1. The number of complaints received in 2022, 2023 and 2024 to the following gaming subscription services:*

- \* PlayStation Network (PSN)*
- \* Xbox Game Pass*
- \* Nintendo Switch Online/Nintendo eShop*

We have investigated your request and we do not hold this information. We do not regulate the above services, save to the extent that they are services in scope of the Online Safety Act 2023 (‘the OS Act’). Under the OS Act, our role is to ensure that user-to-user services, search services and other services regulated under the OS Act have the appropriate systems and processes in place to protect people from harm. We do not handle individual complaints regarding these services, nor do we handle the type of consumer related complaints you have highlighted in your request (that are outside of the scope of the OS Act).

In addition, we consider that some of the information, if held, would likely be exempt from disclosure under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003 (“the Communications Act”). Under this section, we are prohibited from disclosing information with respect to a particular business (such as the businesses referred to) that has been obtained in the exercise of our regulatory functions, unless that business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which are likely to apply here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the public interest test.

*2. A breakdown of the most common complaint categories (e.g., billing issues, cancellations, unauthorised charges, service outages) for each of these services.*

We do not hold this information. The OS Act is focused upon systems and processes regulation, it does not handle individual complaints, nor does it handle consumer complaints outside the scope of the OS Act such as the type of complaints you refer to above. Where an issue is raised with us we will log it and feed that into wider trends analysis to inform our online safety work but we do not have powers to seek redress re individual cases.

In addition, we consider that some of the information, if held, would likely be exempt from disclosure under section 44(1) of the FOI Act for the reasons set out above.

*3. Any available records or summaries of regulatory action, investigations, or interventions taken regarding these services in response to consumer complaints.*

Our powers under the OS Act start to come into force on 16 March 2025 once our illegal harms codes have completed their passage through Parliament. We cannot undertake regulatory action against a service until that point.

In addition, we consider it is likely that some of the information requested would be exempt from disclosure under section 44(1) of the FOI Act for the reasons set out above. You may be interested to know that publicly available information about our regulatory enforcement can be found on our website: [How Ofcom approaches enforcement - Ofcom](#).

We hope this information is helpful. 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](#).