

Reference: 01712469

Information Requests
information.requests@ofcom.org.uk

23 November 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning the register of persons with powers under the Electronic Communication Code (ECC). Your request was received on 7 November 2023 and we have considered it under the Freedom of Information Act 2000 (FOI Act).

Your request & our response

"I am making a Freedom of Information (FOI) request under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) to obtain information regarding the registration of Cignal Infrastructure UK Limited and CK Hutchison (UK) Limited on the Ofcom Register of persons with powers under the Electronic Communications Code (ECC).

CK Hutchison Networks (UK) Limited was renamed Cignal Infrastructure UK Limited at Companies House on 16 November 2022. Company number 12985914.

Specifically, I would like to request the following information regarding these companies:

1. The date on which Cignal Infrastructure UK Limited was registered on the Ofcom Register of persons with powers under the ECC."

Please see our previous FOI response to this question [here](#). The direction date granting Code powers by Ofcom to CK Hutchison Networks (UK) Limited is 23 March 2021.

"2. Any documentation relating to the registration process, including but not limited to the application form, supporting documents, and any correspondence between Cignal Infrastructure UK Limited and Ofcom."

We consider these documents to be exempt from disclosure under Section 44 of the FOI Act. Section 44 exempts the disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act from disclosing information which relates to a business, which we have obtained in exercising our powers (in this case Cignal Infrastructure UK Limited), unless we have the consent of that business/those businesses or one of the statutory gateways for disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

However, please note that our consultation document would include some of the information that Signal Infrastructure UK Limited submitted to Ofcom in their application for powers under the Electronic Communications Code. The Consultation and Decision to apply Code Powers can be found on our [website](#) (please note that the Consultation and Decision refers to CK Hutchison Networks (UK) Limited which was Signal's previous registered name).

[Consultation: Proposal to apply Code powers to CK Hutchison Networks \(UK\) Limited \(ofcom.org.uk\)](#)

[Final direction applying Code powers to CK Hutchison Networks \(UK\) Limited \(ofcom.org.uk\)](#)

"3.Any records of any investigations or inquiries conducted by Ofcom into Signal Infrastructure UK Limited's compliance with the requirements for registration on the Ofcom Register of persons with powers under the ECC."

We do not hold information in relation to this question.

"4.The date on which CK Hutchison Networks (UK) Limited was removed from the Ofcom Register of persons with powers under the ECC."

Ofcom does not cease a code holder's code powers due to a change of name as long as the legal entity remains the same. Following the notification of CK Hutchison Networks (UK) Limited's change of name, we updated our Register of persons with powers under the Electronic Communications Code (the 'Register') and replaced CK Hutchison Networks (UK) Limited with their newly registered name, Signal Infrastructure UK Limited.

"5.Confirmation that code powers under the ECC ceased for CK Hutchison Networks (UK) Limited on 16 November 2022 when its name was legally changed to Signal Infrastructure UK Limited."

Ofcom awards Code powers to the legal entity. It is not possible to transfer Code powers from one legal entity to another. However, a code holder can change their name and they do not need to re-apply as long as they are the same legal entity. Ofcom does not cease a code holder's code powers due to a change of name, we update our Register to reflect any changes in a company's name accordingly.

"6.Details of the criteria and process Ofcom uses to assess applications and register companies on the ECC register."

We operate an application and open consultation process for all companies that wish to obtain code powers under section 106 of the Communications Act 2003 (the Act). The procedure of applying the code can be found in section 107 of the Act.

The code powers granted are set out in [Schedule 3A to the Act](#) and these powers are granted subject to conditions and restrictions in [Electronic Communications Code Regulation](#).

For further information on how companies apply for the code, operator's obligations once granted code powers and Ofcom's role please visit [the ECC webpage](#).

"7.Information on any other companies that have had ECC registration issues similar to those outlined in this request."

A name change is a common request that Ofcom receives from Code operators.. For example you will note that the register has entries like "AE Technology Services I UK Limited (formerly Liberty Property CO II Limited)" and "AllPoints Fibre Networks Limited (Formely Giganet Limited)" – these are name changes we amended on the register. We review the certificate of incorporation on change of name issued by Companies House and amend the public register of Code operators reflecting the company name change upon satisfaction.

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