

Reference: 01764197

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

29 January 2024

### Freedom of Information request: Right to know request

Thank you for your request for the process for a local authority to formally complain about code operators. Your request was received on 12 January 2024 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

#### Your request

*Could you please describe the process by which a local authority (e.g. East Riding of Yorkshire Council) would raise a formal complaint against a code operator (e.g. an alternative network builder) for non-compliance with their obligations under the Code?*

*What needs to be included when making a formal complaint, and what guidelines, and stipulations are in place covering this process?*

*The Ofcom website does not appear to give details about this.*

#### Our response

Please note that under the FOI Act you can request any recorded information i.e. information already held, rather than explanations. We do not already hold information (e.g. documents, notes etc) on the process for local authorities to complain. However, you may find the information below helpful:

- If local authorities have any enquiries that they wish to raise with us in relation to the Electronic Communications Code, they may contact our Electronic Communications Code powers team at [ECCCodepowers@ofcom.org.uk](mailto:ECCCodepowers@ofcom.org.uk).
- [Regulatory Enforcement Guidelines for investigations](#), specifically section A9 concerning the Electronic Communications Code and section 3 covering “Why and how Ofcom opens cases”.
- [Guidance on submitting a complaint to Ofcom](#) aimed at stakeholders.

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

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](mailto: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