

Reference: 01775316

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

5 March 2024

## Freedom of Information request: Right to know request

Thank you for your request for information about correspondence between telecom companies and Ofcom regarding the use of RPI in contracts.

We received this request on 6 February 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

### Your request

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*In the following paragraph*

*"Ofcom does not set telecoms pricing and we have no involvement in the use of RPI; therefore, it is not for us to address your concerns about whether this is a valid measure and appropriate to be applied. It is a commercial decision whether providers opt to apply price increases, whether in line with RPI, CPI or otherwise. Our regulations are in place to protect consumers against changes to their contract that were not outlined at the time of sale. In this case, it appears that you were made aware that a price increase in line with RPI would apply to your contract with iD mobile which is something that you agreed."*

*You state that using RPI vs CPI is a commercial decision. Can you explain then why all new mobile phone contracts are now using CPI instead of RPI?*

*I would like you to consider this a freedom of information request, seeking information pertaining to any correspondence between the telecom companies and OFCOM regarding the use of RPI in contracts.*

### Our response

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We can confirm that we hold some information that falls within the scope of the above two requests. We are however unable to disclose this information as we consider that its disclosure is exempt under the FOI Act. In particular, under section 44 of the FOI Act, information is exempt from disclosure if its disclosure is prohibited by or under any enactment. In this case, section 393(1) of the Communications Act 2003 (the "Communications Act") prohibits the disclosure of information about a particular business, which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 is an absolute exemption under the Communications 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

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### **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](#).