
Three's response to Ofcom's general policy on information gathering Consultation.

Non-Confidential

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Our comments on Ofcom's information gathering process.

There have been significant changes to Ofcom's information gathering processes since its last Consultation in 2015. Notably, the establishment of the Information Registry in 2020 has provided a central contact point for stakeholders and streamlined Ofcom's practical processes. These changes were introduced to enhance transparency, efficiency, and the overall robustness of Ofcom's regulatory practices.

In the time since, we have observed an incremental increase in the volume of information requests received from Ofcom, which is placing a significant burden on stakeholders. Whilst we appreciate that Ofcom's ability to obtain information to inform its work is fundamental to its ability to deliver on its duties, we consider there are aspects of Ofcom's practical processes that would benefit from further review.

We accordingly set out our comments on:

- The volume and timing of information requests;
- The effectiveness of the Information Registry's role in coordinating Ofcom's information gathering activities and;
- The scope of Ofcom's information requests.

We recommend Ofcom:

- Take a holistic view of stakeholder demands, considering all formal, informal, and supplemental requests, along with other publications when planning.
- Allow providers at least 6 weeks to respond to all information requests during holiday periods.
- Provide a minimum of one week to confirm confidentiality.
- Involve the Information Registry in recording and coordinating informal and supplemental requests.
- Maintain and use an up to date list of regulatory contacts and ensure all relevant contacts receive requests.
- Set out in the final notice the criteria used to determine who is in scope of receiving and responding to an information request.

Our comments on volume and timing of information requests.

We have observed an incremental increase in both formal and informal information requests. In 2024 to date, we have received around [X] formal, informal, and supplemental requests [X]. Substantial time and internal resources are required to provide complete and accurate responses.

We suggest that Ofcom, when planning future requests, takes a holistic view of the demands placed on stakeholders. This should include not only formal information requests but also informal and supplemental requests, as well as the timing of other Ofcom publications (e.g. Calls for Input, Consultations and Statements), all of which draw on the same internal resources. We ask Ofcom to consider whether it can better phase its information gathering and related activities throughout the year.

Based on past experience, there tends to be an increase in information-gathering activities during the summer and leading up to Christmas, when stakeholder availability is often limited. [§<]

In cases where requests must be made during holiday periods, we suggest Ofcom make provision for longer response times and be as flexible as possible in granting extensions when needed. We suggest that a minimum period of six weeks should be allowed, save for exceptional circumstances.

Additionally, whilst we appreciate that Ofcom allows providers the opportunity to confirm the confidentiality of proposed content before publishing their reports or statements, there are instances where we are given only one to three days to do so. Given the need to internal validate and approve Ofcom's proposed content (which may require inputs from internal business stakeholders) we believe a minimum one-week period to confirm confidentiality is appropriate.

Our comments on the effectiveness of Information Registry's role in co-ordinating Ofcom's information gathering activities.

We appreciate the support provided by the Information Registry team in serving as a central contact point for stakeholders on information-gathering-matters. Their role in providing advance notice of upcoming requests and coordinating Ofcom's information gathering activities is highly valued.

However, we have observed that, at times, the Information Registry team is not made aware of requests from project teams, which are consequently not reflected in their forward-looking quarterly plan of upcoming requests. This is particularly common with informal requests, where project teams bypass the Information Registry and manage these requests directly.

To address this, we suggest that the Information Registry should also be involved in recording (if not coordinating) informal and supplemental requests made by project teams. This would enable Ofcom to maintain a consolidated view of all information requests, facilitating better planning and coordination of information-gathering and other activities.

Additionally, we find that key contacts are missed from email distribution lists from time to time. We recommend that the Information Registry maintain an up-to-date list of regulatory contacts for each provider and ensure that both formal and informal information requests are shared with all relevant contacts. This will prevent key individuals from being

inadvertently left off email distribution lists, thereby ensuring a complete and timely response.

Clarification on who is in scope of information requests

We also consider that Ofcom should make clear the criteria it uses when deciding who is in scope of receiving and responding to each information request. This could be included within the final notice so the criteria (such as a minimum market share) is transparent and like providers are treated equally. This is particularly important when the data provided is to be used to facilitate a comparison and will be made publicly available. [X].