

Reference: 01499212

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Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's mobile phone contracts. Your request was received on 24 August 2022 and we have considered it under the Freedom of Information Act 2000 (the 'Act').

Your request & our response

What is the name of your organisation?

Ofcom.

How many employees are at your organisation?

1078 permanent and fixed term contract staff as of June 2021.

How many mobile phone and mobile broadband (data only) connections do you currently have in total?

286 mobile phones and 114 data only sims.

How many of these are data only (for laptops and tablets)?

114 data only sims.

How many of these are voice and data (for mobile phones)?

All 286 of the mobile phones are for voice and data.

Who is your mobile phone network provider?

Our provider is O2. In addition we have mobile broadband connections with several service providers for coverage, diversity, monitoring and testing.

Do you have a shared data bundle or individual allowances?

Our contract with O2 is for a shared data bundle.

What is your organisations average total data usage across all connections?

Approximately 600GB data per month.

What was your total spend on mobile phone contract and overage costs in April 2021?

What was your total spend on mobile phone contract and overage costs in May 2021?

What was your total spend on mobile phone contract and overage costs in June 2021?

What was your total spend on mobile phone contract and overage costs in July 2021?

What was your total spend on mobile phone contract and overage costs in August 2021?

What was your total spend on mobile phone contract and overage costs in September 2021?

What was your total spend on mobile phone contract and overage costs in October 2021?

What was your total spend on mobile phone contract and overage costs in November 2021?

What was your total spend on mobile phone contract and overage costs in December 2021?

What was your total spend on mobile phone contract and overage costs in January 2022?

What was your total spend on mobile phone contract and overage costs in February 2022?

What was your total spend on mobile phone contract and overage costs in March 2022?

Do these numbers include VAT?

We do hold information on the cost of our mobile phone contracts from April 2021 to March 2022. However, we are unable to disclose this information as we consider it is exempt under section 43(2) of the Act. Section 43(2) provides that information is exempt information if its disclosure would or would be likely to prejudice the commercial interests of any person or company (including the public authority holding it). In this case, we consider that disclosure of the amount paid by Ofcom in relation to its mobile phone contracts would, or would be likely to, prejudice the commercial interests of our contract supplier.

Section 43(2) is a qualified exemption, which means that we have had to consider whether or not the public interest in disclosing the information outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

When did you renew your mobile phone contract?

How long does your contract run for?

What is the renewal date of your contract?

Our contract is on a monthly rolling basis, and we anticipate tendering in 2023.

How did you source your contract?

The current contract was sourced using the Crown Commercial Service Framework RM1045-Lot 6 procurement framework.

What is the value of your hardware/technology/transformation fund provided with the contract (if none provided please mark as n/a)

n/a

Who is the shareholder/primary contact for this contract?

Commercial Team commercial@ofcom.org.uk

We are unable to provide answers to a freedom of information request via your Google form link.

I hope this information is helpful. 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

Zach Westbrook

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

Annex

Section 43(2) of the Act provides – *Information is exempt information if its disclosure under this Act, would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Enable the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers, thereby increasing transparency and public confidence in relation to Ofcom's work. 	<ul style="list-style-type: none"> • Ofcom continues to procure contracts like those related to this request. By disclosing current spend on mobile phone services, Ofcom's ability to negotiate preferable contracts in the future may be compromised. This is because disclosing the existing cost of mobile phone services may prejudice any quotes given by future suppliers and risk compromising the procurement process.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> • Ofcom relies on potential suppliers to submit accurate quotes for the provision of services based entirely on the costs of providing such services. Disclosing current spend on mobile phone services is likely to compromise this process and undermine Ofcom's ability to secure value for money. • Ofcom periodically publishes financial reports on its website and these include details of expenditure on items; see section C, page 117 of our Annual Report. Ofcom is committed to being a cost-conscious, value for money organisation in discharging our duties. 	