

Reference: 01542544

Temiloluwa Dawodu
Information Rights Advisor
information.requests@ofcom.org.uk

4 January 2023

Freedom of Information: Right to know request

Thank you for your request for information in relation to Hutchison 3G UK and CK Hutchison Holdings. We received this request on 6 December 2022. We have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

Please provide all correspondence, including letters, emails and presentation materials, between Melanie Dawes or other members of Ofcom board or senior management team and representatives of Hutchison 3G UK or CK Hutchison Holdings in the last 3 months.

Our response

We have conducted searches and can confirm that we hold information that falls within the scope of your request, however we are unable to disclose this information as we consider that it is exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the “Communications Act”).

Section 393(1) of 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.

Other exemptions under the FOI Act may also apply.

I hope this information is helpful. If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Temiloluwa Dawodu

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. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF