

Reference: 1-116586851

22 June 2009

P. John

BY EMAIL: request-12310-db2aac90@whatdotheyknow.com

ELEANOR BERG
Information Requests

information.requests@ofcom.org.uk

Dear P. John

Freedom of Information: Right to know request

Thank you for your request for information regarding Value Added Services and Censorship II which Ofcom received on 22 May 2009 and has considered under the Freedom of Information Act 2000 ('the Act').

You asked the following:

"...It has been reported that mobile broadband providers are, by default, censoring mobile broadband services to inhibit access to legal web sites which are deemed 'unsuitable for children'.

What protection against unauthorised censorship of legal telecommunications exist in legislation enforced by Ofcom?

What is the legal basis for operating such communication censorship on an opt out model?

You ask me to clarify what I mean by the term unauthorised communications censorship; I understand that without explicit authorisation from users of mobile broadband services, legal communications deemed 'unsuitable for children' are being censored. Such communications are likely to include perfectly legal content topics such as health information, sexuality, controversial politics, age rated films, abortion, drugs, music lyrics, and war. I believe that such services - as valued added services which are not essential to transmission - should only be initiated only with explicit consent from subscribers."

While Ofcom does not hold the information you have requested on mobile broadband providers, by default, censoring mobile broadband services; more generally, you may find helpful the following.

Ofcom has published the *UK code of practice for the self regulation of new forms of content on mobiles*¹.

If, after having read this information, you have any follow-up queries, please let me know. Please quote the reference number above in any future correspondence.

Yours sincerely

Eleanor Berg

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

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 undertaking internal reviews and it will depend upon the complexity of the case, but we aim to conclude all internal reviews within 2 months. If you wish to request an internal review, you should contact:

Graham Howell
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

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

¹ http://www.ofcom.org.uk/advice/media_literacy/medlitpub/ukcode/