

Reference: 925707

Tony Dixon
request-661306-dabae846@whatdotheyknow.com

Jerin John
Information Rights Adviser
Information.requests@ofcom.org.uk

29 June 2020

Dear Mr Dixon,

Freedom of Information: Right to know request

Thank you for your follow-up request for information about Royal Mail's temporary suspension of the Universal Service Obligation ("the USO").

We received this request on 31 May and have considered it under the Freedom of Information Act 2000 ("the Act").

Your request

Following from our response to your request of [29 April](#), you asked:

My understanding is that OFCOM is the government-approved regulatory and competition authority for the postal industry, with a statutory duty to represent the interests of citizens and consumers.

I am trying to find out, what actions, if any, OFCOM took to represent the interests of the public in this matter.

Is there any information at all that you can provide, that will demonstrate that OFCOM represented the interests of the public in this matter?

Our response

In response to the Covid-19 crisis, Royal Mail temporarily withdrew letter deliveries on Saturdays (from 2 May 2020). This temporary change came to an end on 13 June and Saturday deliveries for letters have now resumed (as announced by Royal Mail: [changes to service](#)).

The Postal Services Act 2011 provides that, in an emergency, some Royal Mail services (including the delivery of letters every Monday to Saturday) are not required to continue without interruption, suspension or restriction.¹ The statutory framework therefore allows Royal Mail to modify its operations in an emergency situation, including reducing the frequency of delivery letters, without Ofcom having to formally authorise that modification. In line with that framework, and our statutory

¹ Section 33(3) of the Postal Services Act 2011.

duties, we recognised that the Covid-19 pandemic qualified as an emergency situation and acknowledged Royal Mail's temporary suspension. We note that Saturday deliveries for letters have now resumed and, as set out in our statement on '[Royal Mail delivery changes](#)', we will continue to keep any measures taken in response to the Covid-19 pandemic under review.

Throughout this period, we have continued to monitor Royal Mail's performance, including requesting information about how Covid-19 is impacting on its ability to provide its services at levels required by our regulations. In doing so, we are operating within our statutory duties, including promoting the interests of citizens and consumers and securing the sustainability of the universal service.

Where your request for information refers to confidential information we hold in relation to Royal Mail's operations and finances during the emergency period, this is being withheld as it falls under the exemption in section 44 of the Act. Section 44 exempts the disclosure of information which is prohibited by enactment. In this case, the other enactment is section 56 of the Postal Services Act 2011, which prohibits the disclosure of information which relates to a business and has been obtained in the pursuit of Ofcom's functions, without the consent of the business.

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,

Jerin John

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. 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:

Corporation Secretary
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