

Reference: 1-227372975

14 February 2013

**By email**

Owen Boswarva  
[owen.boswarva@gmail.com](mailto:owen.boswarva@gmail.com)

Eleanor Berg  
Information Requests

[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

Dear Mr Boswarva

**Freedom of Information: Right to know request**

Thank you for your request for information regarding an un-redacted copy of the postcode address file consultation. We received your request on 7 February 2013 and have considered it under the Freedom of Information Act 2000 (the Act). I am writing to advise you that Ofcom has decided not to disclose the information you requested.

The information you have requested is being withheld under section 43 and 44 of the Act, as explained below.

**Section 44 of the Act.** Under this section, information which we hold is exempt from disclosure as it falls within the prohibition on disclosure in section 56 of the Postal Services Act 2011 as information relating to the affairs of a particular business which has been obtained by Ofcom in exercise of its powers under that Act. Section 44 is an absolute exemption under the Act and does not require a public interest test. For further information on section 44 of the Act please visit: <http://www.legislation.gov.uk/ukpga/2000/36/section/44>.

**Section 43 of the Act.** This part of the Act deals with the exemption of information that would prejudice the commercial interests of a person or company. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay. For further information on section 43 of the Act please visit: <http://www.legislation.gov.uk/ukpga/2000/36/section/43>

We consider that both of these exemptions apply to the information you have requested. Other exemptions may also apply to this information.

If you have any queries about this letter, please feel free to contact me. Please quote the reference number above in any future correspondence as this will help us to deal with your query more quickly.

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. 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:

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

## Annex

| <b>Section 43 – where information, if disclosed, would, or would be likely to, prejudice the commercial interests of a company</b>   |  |
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| <b>Factors for disclosure</b>  | <b>Factors for withholding</b>   |
| <ul style="list-style-type: none"><li>• Open policy making and public confidence in regulated activities</li></ul>   | <ul style="list-style-type: none"><li>• Royal Mail's ability to conduct their business activities would be diminished if this data were publicly available at this time. Therefore, commercial interest would be prejudiced.</li></ul> |
| <b>Reasons why public interest favours withholding information</b>   |  |
| <ul style="list-style-type: none"><li>• Ofcom enjoys a positive relationship with the entities it regulates, and is entrusted with commercially sensitive data provided by those companies. The release of this information into the public domain would impair both this relationship and Ofcom's ability to regulate in a fair and proportionate manner.</li></ul> |  |