



Digital Economy Act 2017

2017 CHAPTER 30

PART 6

MISCELLANEOUS

OFCOM: reports etc

82 OFCOM reports on infrastructure etc

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 134A insert—

“134AA Additional OFCOM reports on infrastructure etc

- (1) OFCOM may prepare reports dealing with—
 - (a) any of the electronic communications network matters listed in section 134B(1);
 - (b) any of the electronic communications services matters listed in section 134B(2).
- (2) OFCOM may publish a report under this section in such manner as they consider appropriate for bringing it to the attention of persons who, in their opinion, are likely to have an interest in it.
- (3) Before publishing a report under this section OFCOM must consider—
 - (a) whether any of the information to be contained in it is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000, and
 - (b) if so, whether that information should be excluded from the report.
- (4) This section does not affect OFCOM’s duty to prepare reports under section 134A.

134AB Publication of information required for purpose of preparing reports

- (1) OFCOM may publish—
 - (a) any relevant section 135 information, and
 - (b) any information derived from relevant section 135 information.
- (2) Before publishing information under this section OFCOM must consider—
 - (a) whether any of the information that they propose to publish is information that they could refuse to disclose in response to a request under the Freedom of Information Act 2000, and
 - (b) if so, whether that information should be published.
- (3) In this section “relevant section 135 information” means information required by OFCOM under section 135 for the purpose of preparing a report under section 134A or 134AA.”
- (3) In section 134B (networks and services matters)—
 - (a) in subsections (1) and (2), for “section 134A” substitute “sections 134A and 134AA”, and
 - (b) in subsection (4), after “134A” insert “or 134AA”.
- (4) In section 135(3) (information required for purposes of OFCOM functions), after paragraph (ic) insert—
 - “(ica) preparing a report under section 134AA;”.
- (5) In section 393(6)(a) (general restrictions on disclosure of information), after “26” insert “, 134AB”.