

Product Security and Telecommunications Infrastructure Bill

AMENDMENT

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

After Clause 69

THE EARL OF LYTTON

Insert the following new Clause—

“Reporting process for complaints

- (1) The Communications Act 2003 is amended as follows.
- (2) In section 106 (application of the electronic communications code), after subsection (6) insert—
 - “(6A) A direction has effect for five years, after which any renewal must take into account—
 - (a) the extent to which the operator has complied with the terms of the direction,
 - (b) the number and nature of complaints made against the operator for breaches of the OFCOM code of practice reported under paragraph 103 of the electronic communications code,
 - (c) such other matters as OFCOM deems appropriate in determining whether that operator should benefit from a renewal of that direction, including the general conduct and ethical performance of the operator.”
- (3) In the electronic communications code, after paragraph 103 insert—
 - “103A (1) Each operator must report to OFCOM all complaints made to it in respect of alleged breaches of the code of practice under paragraph 103 in sufficient detail to make clear the nature of the complaint.
 - (2) The report must contain an account of the actions taken by the operator in response to those complaints.
 - (3) Reports must be made in each calendar year before 31 January following the end of the reference year or such other annually recurring date as may be determined by OFCOM in any given instance and to like effect.

After Clause 69 - continued

- (4) OFCOM must publish an annual summary no later than six months following the end of the reference year setting out the performance in terms of—
- (a) complaints received,
 - (b) actions taken, and
 - (c) directions considered but not made,
- in pursuance of the reports from operators.””

Member’s explanatory statement

The purpose of this amendment is to ensure that instances of poor behaviour insofar as they exist have a properly formulated reporting process and would thus serve to provide a factual basis; to make Ofcom the relevant repository of the complaints regime; and to ensure that Ofcom draws on this as part of its regulatory functions as well as publishing the relevant information.

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22 June 2022
