



Communications Act 2003

2003 CHAPTER 21

PART 1

FUNCTIONS OF OFCOM

General information functions

24 Provision of information to the Secretary of State

- (1) It shall be the duty of OFCOM to comply with a direction by the Secretary of State to provide him with information falling within subsection (2).
- (2) The information that may be the subject of a direction under this section is any information reasonably required by the Secretary of State for the purpose of enabling him to secure compliance with an international obligation of the United Kingdom.
- (3) Information that is required to be provided by a direction under this section must be provided in such manner and at such times as may be required by the direction.

Commencement Information

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| I1 | S. 24 in force at 25.7.2003 for specified purposes by S.I. 2003/1900 , arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142 , art. 1(3)) |
| I2 | S. 24 in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142 , art. 3(2) (with art. 11) |

[^{F1}24A Provision of information before publication

- (1) OFCOM must provide the Secretary of State, at least 24 hours before publication, with any information that they propose to publish.
- (2) If exceptional circumstances make it impracticable to provide the information to the Secretary of State 24 hours before publication it must instead be provided to the Secretary of State as long before publication as is practicable.

Changes to legislation: Communications Act 2003, Cross Heading: General information functions is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Subsections (1) and (2) have effect in any particular case subject to any agreement made between the Secretary of State and OFCOM in that case.
- (4) The Secretary of State may by regulations specify descriptions of information in relation to which the duty under subsection (1) does not apply.
- (5) Before making regulations under subsection (4), the Secretary of State must consult OFCOM.
- (6) Information provided to the Secretary of State under this section may not be disclosed by the Secretary of State during the protected period, except to another Minister of the Crown.
- (7) A Minister of the Crown to whom the information is disclosed under subsection (6) may not disclose the information during the protected period to any other person.
- (8) A Minister of the Crown may not make any representations to OFCOM during the protected period that specify or describe changes that the Minister considers should be made to information that has been provided under this section when it is published.
- (9) In this section—
 - “the protected period”, in relation to information provided to the Secretary of State under this section, means the period beginning with the provision of the information and ending when either of the following occurs—
 - (a) OFCOM publish the information;
 - (b) OFCOM inform the Secretary of State that they consent to the disclosure of the information;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

Textual Amendments

- F1** Ss. 24A, 24B inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. **98(2)**, 118(6) (with s. [98\(3\)](#)); [S.I. 2017/765](#), reg. 2(aa)

24B Provision of information to assist in formulation of policy

- (1) OFCOM may provide the Secretary of State with any information that they consider may assist the Secretary of State in the formulation of policy.
- (2) Information with respect to a particular business that has been obtained in the exercise of a power conferred by—
 - (a) this Act,
 - (b) the 1990 Act,
 - (c) the 1996 Act,
 - (d) the Wireless Telegraphy Act 2006, ^{F2}...
 - (e) Part 3 of the Postal Services Act 2011, [^{F3}or]
 - ^{F4}(f) [the Online Safety Act 2023,]

is not, so long as the business continues to be carried on, to be provided to the Secretary of State under this section without the consent of the person for the time being carrying on that business.

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[But subsection (2) does not prevent OFCOM providing the Secretary of State with ^{F5}(3) any information that they consider may assist the Secretary of State in the formulation of policy in relation to the security of public electronic communications networks or public electronic communications services.]]

[^{F6}(4) Subsection (2) does not apply to information—

(a) obtained by OFCOM—

- (i) in the exercise of a power conferred by section 100 of the Online Safety Act 2023 for the purpose mentioned in subsection (6)(c) of that section (information in connection with a consultation about a threshold figure for the purposes of charging fees under that Act), or
- (ii) in the exercise of a power conferred by section 175(5) of that Act (information in connection with circumstances presenting a threat), and

(b) reasonably required by the Secretary of State.]

Textual Amendments

- F1** Ss. 24A, 24B inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 98(2)**, 118(6) (with s. 98(3)); S.I. 2017/765, reg. 2(aa)
- F2** Word in s. 24B(2)(d) omitted (26.10.2023) by virtue of [Online Safety Act 2023 \(c. 50\)](#), **ss. 117(2)(a)**, 240(4)
- F3** Word in s. 24B(2)(e) inserted (26.10.2023) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 117(2)(b)**, 240(4)
- F4** S. 24B(2)(f) inserted (26.10.2023) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 117(2)(c)**, 240(4)
- F5** S. 24B(3) inserted (1.10.2022) by [Telecommunications \(Security\) Act 2021 \(c. 31\)](#), **ss. 12(2)**, 28(2)(b); S.I. 2022/931, reg. 2(b)
- F6** S. 24B(4) inserted (26.10.2023) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 117(3)**, 240(4)

25 [^{F7}Information requested by EU bodies]

(1) This section applies if—

- (a) the European [^{F8}Commission or BEREC requests] OFCOM to provide it with information for the purpose of enabling it to perform any of its functions in relation to electronic communications networks, electronic communications services or associated facilities; and
- (b) the information is information obtained by OFCOM in the course of carrying out any of their functions under—
 - (i) Part 2; ^{F9}...
 - (ii) the enactments relating to the management of the radio spectrum that are not contained in that Part [^{F10}; or]
 - [^{F11}(iii) any other enactment relating to the regulation of electronic communications networks and electronic communications services.]

[^{F12}(2) OFCOM may comply with the request if and to the extent that—

- (a) they consider it appropriate to do so in connection with their functions, and
- (b) in the case of information relating to a particular business, they are satisfied that arrangements exist for preserving confidentiality.]

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- (3) If information provided to the European Commission [^{F13}or BEREC] under this section has been obtained by OFCOM from a person who is or, at the time the information was obtained from him, was—
- (a) a communications provider, or
 - (b) a person making associated facilities available,
- OFCOM must notify him that they have provided the information to the Commission [^{F14}or, as the case may be, to BEREC].
- (4) It shall be for OFCOM to determine the manner in which a notification is given under subsection (3).

Textual Amendments

- F7** S. 25 heading substituted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 25(1)(a) substituted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in s. 25(1)(b)(i) omitted (31.12.2020) by virtue of The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in s. 25(1)(b)(ii) inserted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** S. 25(1)(b)(iii) inserted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(2)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** S. 25(2) substituted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 25(3) inserted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 25(3) inserted (31.12.2020) by The Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 7(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I3** S. 25 in force at 25.7.2003 for specified purposes by S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- I4** S. 25 in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142, **art. 3(2)** (with art. 11)

26 Publication of information and advice for consumers etc.

- (1) OFCOM [^{F15}must] arrange for the publication of such information and advice about matters in relation to which they have functions as it appears to them to be appropriate to make available to the persons mentioned in subsection (2).
- (2) Those persons are—
- (a) the customers of communications providers;

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- (b) the customers of persons who make associated facilities available;
 - [^{F16}(ba) any person affected by the application of the electronic communications code (within the meaning of section 106(1));]
 - (c) persons who use electronic communications networks, electronic communications services or associated facilities; ^{F17}...
 - (d) persons to whom radio and television services are provided or who are otherwise able or likely to take advantage of any of those services.
 - [^{F18}(da) United Kingdom users of regulated services;]
 - [^{F19}(e) the customers of persons who provide postal services.]
- [^{F20}(2A) In subsection (2)(e) the reference to customers of persons who provide postal services includes—
- (a) persons who wish to be provided with such services,
 - (b) persons who are likely to seek to be provided with such services, and
 - (c) addressees.]
- (3) In arranging for the publication of information or advice under this section, OFCOM must have regard to the need to exclude from publication, so far as that is practicable, the matters which are confidential in accordance with subsections (4) and (5).
- (4) A matter is confidential under this subsection if—
- (a) it relates specifically to the affairs of a particular body; and
 - (b) publication of that matter would or might, in OFCOM’s opinion, seriously and prejudicially affect the interests of that body.
- (5) A matter is confidential under this subsection if—
- (a) it relates to the private affairs of an individual; and
 - (b) publication of that matter would or might, in OFCOM’s opinion, seriously and prejudicially affect the interests of that individual.
- (6) The publication of information or advice under this section must be in such manner as OFCOM consider appropriate.
- [^{F21}(7) In this section the following terms have the same meaning as in the Online Safety Act 2023—
- “regulated service” (see section 4 of that Act);
 - “United Kingdom user” (see section 227 of that Act).]

Textual Amendments

- F15** Word in s. 26(1) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 8(a)** (with Sch. 3 para. 2)
- F16** S. 26(2)(ba) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 8(b)** (with Sch. 3 para. 2)
- F17** Word in s. 26(2)(c) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 61(2)(a)**; S.I. 2011/2329, art. 3
- F18** S. 26(2)(da) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 119(2)**, 240(1); S.I. 2023/1420, reg. 2(z14)
- F19** S. 26(2)(e) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 61(2)(b)**; S.I. 2011/2329, art. 3
- F20** S. 26(2A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 61(3)**; S.I. 2011/2329, art. 3

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F21 S. 26(7) inserted (10.1.2024) by Online Safety Act 2023 (c. 50), **ss. 119(3)**, 240(1); S.I. 2023/1420, reg. 2(z14)

Commencement Information

- I5** S. 26(1)(2)(a)-(c)(3)-(6) in force at 25.7.2003 for specified purposes by S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- I6** S. 26(1) (2)(a)-(c) (3)-(6) in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)
- I7** S. 26(2)(d) in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)