

TOTSCo Bulletin No.96

Date: 28 August 2025

Subject: Consultation on a Proposed Change to Schedule E

We are consulting OTS Hub users on a proposed change to Schedule E (Analytics, Reporting, Archive and Metadata Access Control) of the TOTSCo User Agreement and the TOTSCo MAP Agreement.

What's changing

We propose:

- Replacing the clause that says TOTSCo will supply reports to Ofcom “*[as] set out in the annex to this schedule*” with wording that TOTSCo will supply reports to Ofcom “*in accordance with our legal obligations.*”
- Removing the annex

Why we are proposing this

This change will reduce the number of future changes to the schedule thus saving industry time and cost. We will use other communication methods to ensure that transparency and the opportunity to provide feedback are maintained.

Clean and marked-up versions of the schedules can be found here:

- [Schedule E – Clean](#)
- [Schedule E - Redline](#)

Background (for context)

We recently received a section 135 (s135) information request from Ofcom. While the request largely corresponds to the reports listed in the annex to the current versions of Schedule E, there are some minor changes, and a new report is also included in the request. This new report covers the number of messages of each type exchanged between defined pairs of brands.

We are legally obliged to supply the data requested and will do so. This is consistent with the User Agreement which commits us to complying with “Applicable Law.”

The annex to schedule E will therefore become out of date. Under the User Agreement, a change to the schedule requires a 21-day consultation, a decision of the TOTSCo board, and 90 days’ notice of any change. Given that we are obliged to comply with any s135 information request from Ofcom, we feel it is disproportionate to consult on a schedule change every time we receive such a request, as each consultation absorbs resource across industry and there are alternative methods to provide transparency to hub users and to gather their feedback.

As part of our commitment to transparency, should this proposed change be adopted we will publish elsewhere (e.g. in the User Guide) the list of reports that we supply to Ofcom to the extent that we are permitted to do so, and we will draw your attention to any changes and invite comment. The proposed change which is the subject of this consultation is a one-off change which will have the effect of reducing the number of future changes and consultations.

How to respond (consultation)

We are inviting all OTS hub users to provide feedback on:

- the proposed changes to schedule E: and
- the proposed transparency approach

Please respond by email to enquiries@totsco.org.uk with the subject line “Schedule E consultation”. In line with our policy of transparency, all responses may be published. Closing date: midnight Friday 19th September.

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Frequently asked questions

What does Schedule E cover, and what exactly counts as ‘switching metadata’ (does it include message content/personal data)?

Schedule E defines how switching metadata is collected, reported and access controlled. For clarity, switching metadata means addressing and message type data about switching messages sent via the hub; it does not include message ‘content’ (i.e. the personal and other data about the underlying switch) in such messages.

What is a notice to provide information under section 135 of the Communications Act 2003?

A request for information under section 135 of the Communications Act is a legally binding statutory request from Ofcom to TOTSCo to provide it with specified information.

What is the Communications Act 2003?

The Communications Act 2003 is the law setting out (among other things) the statutory framework and rules for the UK telecoms market and Ofcom’s duties, powers and responsibilities.

