

Reference: 01717428

Information Requests
information.requests@ofcom.org.uk

11 December 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning Full Fibre Limited's certificate to show compliance with Regulation 16(1). Your request was received on 11 November 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

"Information as to whether Full Fibre Ltd have provided a certificate in the last 12 months to show compliance with Regulation 16(1) which requires Code operators to ensure that sufficient funds are available to meet the specified liabilities which arise on or before the date on which a relevant event occurs, or may arise at any time during the liability period."

Our response

We can neither confirm or deny whether Full Fibre Ltd have provided a certificate in the last 12 months to show compliance with Regulation 16(1) as we consider that this information is exempt from disclosure under Section 44 of the FOI Act which exempts the disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 from disclosing information which relates to a business (in this case, Full Fibre Ltd) which we have obtained in exercise of our powers, unless we have the consent of that business or one of the statutory gateways for disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF