

Reference: 01846664

Information Requests
information.requests@ofcom.org.uk

26 July 2024

Freedom of Information request: Right to know request

Thank you for your request for information about documents in relation to BRSK Broadband.

We received this request on 2 July 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

"I am writing to you under the Freedom of Information Act 2000 to request the following information from Ofcom. Please may you provide me with:

Item 1

All paper, photographic, minutes of meeting, correspondence and electronic communications received and responded to in relation to BRSK Broadband intention to install poles and wires for the supply of full fibre in Edgbaston Constituency between 01/01/2022 and present day.

To include the BRSK notification sent to Ofcom and all correspondence related to this."

Our response

It would require a considerable amount of time to respond to your request. This is because we would need to manually locate, retrieve, identify and extract documents and correspondence, which include MP's letters, Freedom of Information requests, meeting minutes and emails, and read these in order to identify if and how they relate to BRSK's intention to install poles and wires for the supply of full fibre in Edgbaston Constituency.

Section 12 of the FOI Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Regulations"), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. We estimate that it would take us more than 18 hours to locate, retrieve, identify and extract all the information specified.

We are unsure what you mean by “*To include the BRSK notification sent to Ofcom and all correspondence related to this*”. However, please note whilst we do grant code powers over land, we normally grant these powers in relation to the whole of the UK or large regions e.g. cities (such as London) or countries (such as England). When companies apply to Ofcom for code powers, they might tell us where they intend on using their code powers to install infrastructure however this information may not be as specific as town locations. Companies normally notify Ofcom about changes such as to the company structure, nature and purpose of the company, name changes etc...

Further information regarding code powers can be found here: [Electronic Communications Code](#).

You can narrow the timeframe of your request, however, please note, any information Ofcom has obtained from BRSK while carrying out its functions would be exempt from disclosure under Section 44 and we would not be able to disclose it to you. Section 44 of the FOI Act 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, which we have obtained in exercising 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.

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

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).