

Reference: 01587660

Information Requests
information.requests@ofcom.org.uk

28 April 2023

Freedom of Information: Right to know request

Thank you for your request for the information as detailed below. We received this request on 22 March 2023 and which you clarified on 31 March 2023. We have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

Please can you provide me with information on meetings about the regulation of Openreach since 1 January 2023 and 22 March 2023 between Ofcom and representatives of KKR, Goldman Sachs, Macquarie, or the Universities Superannuation Scheme Ltd.

Please provide dates, attendees, agendas and minutes from any meetings, in-person or online, between Ofcom and these investors in the period.

Our response

We have conducted searches for information falling within scope of your request and can confirm that we hold some information in scope of the request. In particular, we can confirm that, as part of our ongoing engagement with stakeholders, there have been two meetings attended by Goldman Sachs (West Street Infrastructure), on 15 February and 22 March, in which Ofcom and the attendees discussed the implementation and status of the [Wholesale Fixed Telecoms Market Review](#) regulatory framework which was set in March 2021.

There were no agendas sent for these meetings and we are unable to provide the minutes from these meetings as we consider that this information is exempt from disclosure under section 44 of the FOI Act. This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the “Communications Act”). Section 393(1) of the Communications Act prohibits the disclosure of information about a particular business, which we have obtained in the course of exercising a power conferred by, among other legislation, the Communications Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 is an absolute exemption under the Communications Act and

does not require a public interest test. Other exemptions under the FOI Act, such as section 41 and section 36 may also apply.

The first meeting was attended by two directors and a senior associate from Ofcom and the second was attended by three directors and a senior associate from Ofcom.

We are unable to provide further details of the attendees for these meetings as we consider that this information is personal data and is exempt from disclosure under Section 40(2) of the FOI Act. Section 40(2) provides that personal information about persons other than the requester is exempt where its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. This includes the principle that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the FOI Act and does not require a public interest test.

We do not hold information in relation to KKR, Macquarie, or the Universities Superannuation Scheme Ltd.

I hope this information is helpful. If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote 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. The Information Commissioner can be contacted at:

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