

Reference: 02013693

Information Requests
information.requests@ofcom.org.uk

8 August 2025

Freedom of Information request: Right to know request

Thank you for your request for information about MBNL on site at various locations, for which you provided latitude and longitude coordinates. We received this request on 13 June 2025.

We contacted you on 25 June 2025 about this request and you replied on 1 July 2025 asking instead for the entire August 2021 and May 2023 datasets provided to Ofcom by MBNL. We have considered your updated request under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (the "EIR").

Your request

Request dated 13 June 2025

Following an information request that was made by us in 2024 in respect of MBNL 'block assigned' licences and 'point to point' fixed licences you responded with letter dated 16 July 2024, where you very helpfully identified and confirmed that MBNL were present at certain sites for which we had provided you names and coordinates for.

As a landlord to EE/H3G at numerous sites in UK and based on your previous response, we believe that MBNL has installed equipment on many of our sites. Unfortunately, because MBNL is not a Code Operator, we are unable to rely on the normal route within Para 39 of the Electronic Communications Code to ascertain as to whether they are on any of the sites. We therefore wish to extend our original FOI request to as many other sites as we can and we have prepared a list of our sites along with the latitude and longitude coordinates for your reference.

Could you please confirm if MBNL are present at the enclosed sites either under the 'block assigned' or 'point to point' fixed licences.

Clarified request dated 1 July 2025

Thank you for your email and for clarifying that the information you hold in relation to MBNL's fixed links is based exclusively on the August 2021 and May 2023 datasets.

May I kindly request that you please provide us with copies of the August 2021 and May 2023 datasets?

As regards your process we're happy for you to inform MBNL that our request has been received and that you intend to provide the necessary information.

Our response

For the reasons set out below, we consider the requested information to fall under exceptions in the EIR and we have therefore decided not to disclose it.

The EIR provides that a public authority may refuse to disclose environmental information requested to the extent, amongst other things, that its disclosure would adversely affect international relations, defence, national security or public safety (regulation 12(5)(a) of the EIR), and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Ofcom has considered your request in light of the relevant statutory scheme. We have also considered representations from MBNL as well as advice from HM Government on the potential implications of disclosure of information relating to the location of mobile sites (and other detailed technical information about those sites) in the context of national security. HM Government has raised significant concerns with Ofcom about the release of this type of information on national security grounds and has advised that disclosure of this type of information would adversely affect national security.

Taking all relevant factors into account, Ofcom considers that regulation 12(5)(a) of the EIR is engaged; specifically, that disclosure of the information would adversely affect national security and public safety.

In addition, the EIR provides that a public authority may refuse to disclose environmental information requested to the extent, amongst other things, that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest (regulation 12(5)(e) of the EIR), and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Ofcom has considered your request in light of the relevant statutory scheme. We have also considered representations from MBNL.

Taking all relevant factors into account, Ofcom considers that regulation 12(5)(e) of the EIR is engaged; specifically, that disclosure of the information would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

In applying these exceptions, Ofcom has balanced the public interest in withholding the information against the public interest in disclosing it and decided that in all the circumstances of the case the public interest in maintaining the exceptions outweighs the public interest in disclosure. In assessing this, under regulation 12(2), we have also applied a presumption in favour of disclosure.

Annexes A and B set out the exceptions in full, as well as the factors in favour of disclosure of the requested information and factors in favour of withholding the requested information that we considered when deciding where the public interest lay.

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](#).

Regulations 12(5)(a) and 12(5)(e) exceptions

I have delegated authority from the Ofcom Board to make decisions in relation to Ofcom's obligations under the Environmental Information Regulations 2004 (EIR).

Taking into account representations from MBNL and the advice from Government on the potential implications of disclosure, in my reasonable opinion, disclosure of the information requested would:

- adversely affect national security and public safety. Regulation 12(5)(a) of the EIR therefore applies.
- adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Regulation 12(5)(e) of the EIR therefore applies.

In applying these exceptions, I have balanced the public interest in withholding the information against the public interest in disclosing the information. I have set out above the factors I considered when deciding where the public interest lies.

I have decided that in all the circumstances of the case, the public interest in maintaining the exceptions outweighs the public interest in disclosing the information. In assessing this, I have applied a presumption in favour of disclosure.

Disclosure of the information requested is therefore refused under regulations 12(5)(a) and 12(5)(e) of the EIR.

If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Signed: David Willis

Date: 8 August 2025

Annex A

Regulation 12(5)(a) of the Environmental Information Regulations 2004

The exception

Regulation 12(5)(a) of the Environmental Information Regulations 2004 – a public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.

The regulation is engaged because disclosure of this information would adversely affect national security.

The public interest test

Regulation 12(5)(a) is subject to the public interest test.

Key points:

Ofcom can refuse to disclose information under this exception only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. In assessing this, under regulation 12(2), Ofcom must also apply a presumption in favour of disclosure.

In carrying out the public interest test, Ofcom should consider the arguments in favour of disclosing the information and those in favour of maintaining the exception, attaching the relative weight to each argument (for and against disclosure) to decide where the balance of public interest lies.

We have set out the matters Ofcom have considered in reaching its decision with respect to the public interest below.

Factors for disclosure	Factors for withholding
• Transparency: There is always a general public interest in transparency. The EIR implements EU Directive 2003/4/EC on public access to environmental information. Recital 1 of the preamble to the Directive states this public interest: <i>“Increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”</i> • Accountability: Some individuals or companies may want to know the location of a fixed link in a particular area, for example, to assist with spectrum trading, coordination and/or planning.	• Risk to emergency services network (ESN): MBNL provides services to EE and EE’s fixed links in block assigned bands are used to provide coverage for the ESN. Publishing the specific location and other detailed technical information relating to these links is likely to expose critical national infrastructure (CNI) that could be a potential target for a cyber or physical attack. Any disruption or compromise of this infrastructure could affect emergency responses and therefore poses a risk to national security and public safety. • HM Government has similarly advised Ofcom that disclosure of information relating to the UK’s CNI raises significant concerns on national security grounds and would adversely affect national security. CNI is those critical elements of infrastructure (including assets, facilities, systems, networks or processes), the loss or compromise of which could result in major detrimental impact on the confidentiality, integrity, and availability of networks, or delivery of essential services

• Information already in the public domain or which might be made publicly available in the future: In response to previous freedom of information requests, Ofcom has already published information relating to the location of some of MBNL's shareholders' fixed links in <i>block</i> assigned bands. • Ofcom already publishes information about fixed links in <i>non-block</i> assigned bands in its Wireless Telegraphy Register. • To the extent APWireless is MBNL's shareholders' landlord at a particular site, it may be able to confirm whether MBNL's shareholders have radio equipment on a particular site by reviewing any agreement it has with MBNL's shareholders relating to that particular site (or more generally through any landlord/tenant relationship).	(including those of the emergency services). Government has also stated that knowledge of commercial networks could help enable an attacker to target the UK's emergency service communications network to a degree that knowledge would not have enabled in the past. This is due to the ESN programme switching emergency service communication from the private Airwave network to a commercial network. • Further national security concerns raised by Government are set out in Annex A of our response to a previous request for information. We have also taken into account the following: • We recognise that Ofcom has already published information relating to the location of some of MBNL's shareholders' fixed links in <i>block</i> assigned bands. However, this information was based on data obtained in August 2021 and May 2023 meaning it is not necessarily accurate and up-to-date. The published information was also limited in volume and scope; it only identified the potential presence of MBNL's shareholders at or around a limited number of its sites in block assigned bands and did not identify the specific location of any links or technical information associated with those links. • The requested information is not otherwise publicly available and we are unaware of any reason why it may become publicly available. • The requested information would therefore be significantly more useful to a potential attacker than the information that is already in the public domain. The national security and public safety risk is also materially higher when all of the requested information is aggregated into a single user-friendly dataset, and published. • While it may be possible to download title registers from the Land Registry, this would not address issues of transmission or network coordination. Further, site specific sharing agreements which allow MBNL's shareholders (via MBNL or independently of MBNL) to locate telecommunications
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	apparatus at a particular site, may not be registrable at the Land Registry. • We recognise that certain information relating to MBNL's shareholders' fixed links in <i>non-block</i> assigned bands is already published in Ofcom's Wireless Telegraphy Register. However, the data requested relating to MBNL's shareholders' fixed links in <i>block</i> assigned bands is far more significant in terms of its volume meaning it would be significantly more useful to a potential attacker, in particular when combined with the published information on MBNL's shareholders' fixed links in <i>non-block</i> assigned bands. The national security and public safety risk is therefore materially higher if Ofcom discloses the requested information. • If APWireless is MBNL's shareholders' landlord at a particular site, then APWireless should be able to confirm whether MBNL's shareholders have radio equipment on a particular site by reviewing any agreement it has with MBNL's shareholders relating to that particular site (or more generally through any landlord/tenant relationship). While MBNL's shareholders may not be required to provide APWireless with the detailed technical information about MBNL's shareholders' links that APWireless has requested, it should be able to obtain some of the requested information directly from MBNL's shareholders (or MBNL) via any landlord/tenant relationship. • Obtaining information directly from MBNL's shareholders (or MBNL) via any landlord/tenant relationship would mitigate the risk of putting information in the public domain that significantly increases the risk to national security and public safety. It would also ensure APWireless obtains accurate and up-to-date information. • If APWireless is not MBNL's shareholders' landlord at a particular site then we are unaware of any legitimate commercial reason why APWireless requires the requested information.
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	• We are not aware of any wider public interest (separate to APWireless' commercial interests) in Ofcom publishing detailed information on MBNL's shareholders' fixed links in block assigned bands, including for spectrum trading, coordination and/or planning purposes. • There have been a significant number of attacks on mobile sites in recent years and publishing information on the location of sites (or potential sites) risks further sites being attacked. Such attacks always have an adverse impact such as customers losing mobile signal and mobile operators incurring additional costs but they can have severe consequences, for example, where a mobile site that supports critical communications for the emergency services is attacked. Such attacks can also cause physical harm to employees of mobile operators, emergency services personnel and the general public. • We have also taken into account paragraphs 9 - 27 of ICO decision dated 20 September 2024 relating to the proposed locations for Mobile Network Operators' masts in Scotland.
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Reasons why public interest favours withholding information

- The greater the likelihood of the adverse effect, the greater the public interest in maintaining the exception. This is affected by how extensive the adverse effect is – in this case the adverse effect on national security and public safety has the potential to affect the security and public safety of the United Kingdom and its people, and the opportunity for the adverse effect to arise is ongoing.
- The impact of the adverse effect on national security and public safety also has the potential to harm the United Kingdom and its people and is therefore severe.
- We have carefully considered whether the arguments around transparency and accountability may outweigh the arguments in favour of withholding the information. In doing so, we have taken into the various arguments set out above. In particular:
 - While Ofcom has published information on some of MBNL's shareholders' fixed links in *block* assigned bands and all of its fixed links in *non-block* assigned bands, the national security and public safety risk is materially higher when all of the requested information is aggregated into a single user-friendly dataset, and published.

- Obtaining information directly from MBNL's shareholders (or MBNL) via any landlord/tenant relationship would mitigate the risk of putting information in the public domain that raises a risk to national security and public safety.
 - We are unaware of any wider public interest (separate to APWireless' commercial interests) in Ofcom publishing detailed information on MBNL's shareholders' fixed links in block assigned bands.
- On balance, the arguments against disclosure – including the likelihood and severity of the adverse effect on national security and public safety, and the increased threat to national security and public safety in respect of the requested information when compared to the information already in the public domain - carry greater weight than the arguments in favour of disclosure. Therefore, the public interest in maintaining the exception outweighs the public interest in disclosure.
- More generally, any request for similar information relating to a smaller number of MBNL's shareholders' fixed links in non-block assigned bands is likely to raise similar national security and public safety concerns. In particular, the disclosure of information on a smaller set of sites would set a precedent for disclosure in response to requests about other geographic areas, resulting in further aggregation of information.

Annex B

Regulation 12(5)(e) of the Environmental Information Regulations 2004

The exception

Regulation 12(5)(e) states a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

The regulation is engaged because disclosure of this information would adversely affect commercial confidentiality.

The public interest test

Regulation 12(5)(e) is subject to the public interest test.

Key points:

Ofcom can refuse to disclose information under this exception only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. In assessing this, under regulation 12(2), Ofcom must also apply a presumption in favour of disclosure.

In carrying out the public interest test, Ofcom should consider the arguments in favour of disclosing the information and those in favour of maintaining the exception, attaching the relative weight to each argument (for and against disclosure) to decide where the balance of public interest lies.

We have set out the matters Ofcom have considered in reaching its decision with respect to the public interest below.

Factors for disclosure	Factors for withholding
• Transparency: There is always a general public interest in transparency. The EIR implements EU Directive 2003/4/EC on public access to environmental information. Recital 1 of the preamble to the Directive states this public interest: <i>“Increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”</i> • Accountability: Some individuals or companies may want to know the location of a fixed link in a particular area, for example, to assist with	• Commercial impact: Information on MBNL’s shareholders’ fixed links in block assigned bands was provided to us by MBNL on a confidential basis in accordance with our remit. • The requested information will reveal the specific location of MBNL’s shareholders’ fixed links in block assigned bands, as well as detailed technical information associated with those links. It will therefore reveal detailed network topology for MBNL’s shareholders. • MBNL has indicated that disclosure of the information would adversely affect the economic interest and commercial bargaining position of MBNL and/or its shareholders, including in existing and/or future negotiation with landowners and other third parties.

spectrum trading, coordination and/or planning. • Information already in the public domain or which might be made publicly available in the future: In response to previous freedom of information requests, Ofcom has already published information relating to the location of some of MBNL's shareholders' fixed links in <i>block</i> assigned bands. • Ofcom already publishes information about fixed links in <i>non-block</i> assigned bands in its Wireless Telegraphy Register. • To the extent APWireless is MBNL's shareholders' landlord at a particular site, it may be able to confirm whether MBNL's shareholders have radio equipment on a particular site by reviewing any agreement it has with MBNL's shareholders relating to that particular site (or more generally through any landlord/tenant relationship).	• MBNL has also indicated that the requested information is considered strategic information which competitors could use to target its shareholders' sites or more generally develop new or existing commercial or network roll-out strategies. • Specifically, we note that APWireless' annual report for the year ending 31 December 2023 states (page 5): <i>"the Electronic Communications Code restricts the ability of landowners to charge premium prices for the use of their land... As a result, our future results may be negatively impacted if a significant number of our leases in the United Kingdom are renegotiated at lower rates... We have devoted and continue to devote a significant amount of management attention and resources to mitigating the potential adverse impact... including through dispute resolution... The company will continue to monitor development... and is committed to robustly defending its lease and other interests..."</i> We have also taken into account the following: • We recognise that Ofcom has already published information relating to the location of some of MBNL's shareholders' fixed links in <i>block</i> assigned bands. However, this information was based on data obtained in August 2021 and May 2023 meaning it is not necessarily accurate and up-to-date. The published information was also limited in volume and scope; it only identified the potential presence of MBNL's shareholders at or around a limited number of its sites in <i>block</i> assigned bands and did not identify the specific location of any links or technical information associated with those links. • The requested information is not otherwise publicly available and we are unaware of any reason why it may become publicly available. • The requested information would therefore be significantly more useful to a
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	third party than the information that is already in the public domain. The risk to MBNL's and/or its shareholders' commercial interests is also materially higher when all of the requested information is aggregated into a single user-friendly dataset, and published. • While it may be possible to download title registers from the Land Registry, this would not address issues of transmission or network coordination. Further, site specific sharing agreements which allow MBNL's shareholders (via MBNL or independently of MBNL) to locate telecommunications apparatus a particular site, may not be registrable at the Land Registry. • We recognise that certain information relating to MBNL's shareholders' fixed links in <i>non-block</i> assigned bands is already published in Ofcom's Wireless Telegraphy Register. However, the data requested relating to MBNL's shareholders' fixed links in <i>block</i> assigned bands is far more significant in terms of its volume meaning it would be significantly more useful to a third party, in particular when combined with the published information on MBNL's shareholders' fixed links in <i>non-block</i> assigned bands. The risk to MBNL's and/or its shareholders' commercial interests is therefore materially higher if Ofcom discloses the requested information. • If APWireless is MBNL's shareholders' landlord at a particular site, then APWireless should be able to confirm whether MBNL's shareholders have radio equipment on a particular site by reviewing any agreement it has with MBNL's shareholders relating to that particular site (or more generally through any landlord/tenant relationship). While MBNL's shareholders may not be required to provide APWireless with the detailed technical information about MBNL's shareholders' links that APWireless has requested, it should be able to obtain some of the requested information
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	directly from MBNL's shareholders (or MBNL) via any landlord/tenant relationship. • Obtaining information directly from MBNL's shareholders (or MBNL) via any landlord/tenant relationship would mitigate the risk of putting information in the public domain that significantly increases the risk to MBNL's and/or its shareholders' commercial interests. It would also ensure APWireless obtains accurate and up-to-date information. • If APWireless is not MBNL's shareholders' landlord at a particular site then we are unaware of any legitimate commercial reason why APWireless requires the requested information. • We are not aware of any wider public interest (separate to APWireless' commercial interests) in Ofcom publishing detailed information on MBNL's shareholders' fixed links in block assigned bands, including for spectrum trading, coordination and/or planning purposes. • We have also taken into account paragraphs 28 – 40 of ICO decision dated 20 September 2024 relating to the proposed locations for Mobile Network Operators' masts in Scotland.
Reasons why public interest favours withholding information • In addition to the reasons set out above in relation to regulation 12(5)(a), we consider that the requested information should not be disclosed in order to protect MBNL's and/or its shareholders' competitive and commercially sensitive business interests. In summary, this is because disclosure would adversely affect the economic interest and commercial bargaining position of MBNL and/or its shareholders in relation to its negotiations with landlords and may provide MBNL's and/or its shareholders' strategic information to competitors. • More generally, any request for similar information relating to a smaller number of MBNL's shareholders' fixed links in non-block assigned bands is likely to raise similar concerns that disclosure would adversely affect MBNL's and/or its shareholders' commercial interests. In particular, the disclosure of information on a smaller set of sites would set a precedent for disclosure in response to requests about other sites resulting in further aggregation of information.	