

Reference: 02036835

Information Requests
information.requests@ofcom.org.uk

24 July 2025

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning BT/Openreach wayleave agreement.

We received this request on 15 July 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

How many times has it been reported to Ofcom that BT Openreach has any of their equipment installed on their property without a wayleave agreement in the last year?

Our response

We can neither confirm nor deny holding information in scope of your request.

We consider that this information, including confirmation of whether we hold such information, is exempt from disclosure under section 44 of the FOI Act. Under section 44(2) of the FOI Act, the duty to confirm or deny holding information does not arise if the confirmation or denial that would be given in itself reveals information that falls under the exemption in section 44(1) of the FOI Act.

Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003 ("the Communications Act"). Under this section, we are prohibited from disclosing information with respect to a particular business, in this case BT Openreach, that has been obtained in the exercise of our regulatory functions, unless that business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here.

Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the 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

[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](#).