

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment
Date: 21 July 2025 12:36:00
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
Importance: High

Hi [REDACTED].

Thanks for coming back to me.

I've spoken to the relevant team members here and they believe a call would be useful. Would you be available at either 3:30pm or 4pm today?

Meanwhile, here is an example of one of our [previous published requests](#).

Regards,

[REDACTED]

From: [REDACTED]@mbnl.co.uk>
Sent: 21 July 2025 07:21
To: [REDACTED]@ofcom.org.uk>; [REDACTED]
[REDACTED]@mbnl.co.uk>
Cc: [REDACTED]@mbnl.co.uk>; [REDACTED]
[REDACTED]@mbnl.co.uk>
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

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CON3 - THIS COMMUNICATION IS CONFIDENTIAL TO MBNL & NAMED SUPPLIERS ONLY

Hi [REDACTED]

We've had a quick chat internally and it would be very helpful, before confirming our stance on publication, if you were able to confirm a few queries for us, please:

- 1. Would publication be in the form of a summary of what we've said, or a verbatim publication of the response we've provided?*
- 2. Is publication of our reasons a prerequisite to Ofcom considering them as part of its public interest assessment?*
- 3. Would non-publication affect Ofcom's ability or appetite to withhold the requested information?*

The reason for these questions is that publication may present [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Kind regards,

[REDACTED]

[REDACTED]



[REDACTED]



[REDACTED]@mbnl.co.uk



Mobile Broadband Network Limited
Sixth Floor, Thames Tower
Station Road, Reading, RG1 1LX

A joint venture company between EE and Three

From: [REDACTED]@ofcom.org.uk>

Sent: 18 July 2025 19:08

To: [REDACTED]@mbnl.co.uk>; [REDACTED]@mbnl.co.uk>
Cc: [REDACTED]@mbnl.co.uk>
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

Hi [REDACTED].

Thank you for your email. We intend to consider this in more detail on Monday and a call may not be necessary but we can let you know on Monday if it may be helpful to speak.

In the meantime, it would be helpful if you could please confirm if you are happy for us to publish the reasons in your email in favour of withholding the requested information in a public interest assessment on our website?

Kind regards,

[REDACTED]

From: [REDACTED]
Sent: 18 July 2025 16:31
To: [REDACTED]@mbnl.co.uk>; [REDACTED]@mbnl.co.uk>
Cc: [REDACTED]@mbnl.co.uk>
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

Hi [REDACTED].

Thanks for coming back to me.

I'll need to run this via some of my Spectrum colleagues, who are inputting on this EIR, and then I'll come back to you.

Noted that we'd need to have a meeting on Monday morning if needed – I'll let you know if necessary.

Kind regards,

[REDACTED]

From: [REDACTED]@mbnl.co.uk>
Sent: 18 July 2025 11:05
To: [REDACTED]@ofcom.org.uk>; [REDACTED]
[REDACTED]@mbnl.co.uk>
Cc: [REDACTED]@mbnl.co.uk>
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

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Hi [REDACTED],

Please find below MBNL's updated response to the current FOI/EIR requests from APWireless. I'd be happy to walk through the information on a call, if that would be helpful.

[REDACTED] will be on leave next week, so if a discussion is needed, it would need to take place this afternoon. Alternatively, I'm available on Monday afternoon – I'll also be going on leave shortly thereafter.

Let me know what works best for you if required.

[REDACTED]

Dear [REDACTED]

Further to my previous email, we have amended our response to the EIR to take into account information that has since come into my possession and to address some of the questions contained in your most recent email. Please see below for that amended response. We would be grateful if you would please accept the updated response in place of the response we previously submitted.

In response to your questions, I can confirm as follows:

- “Please confirm or whether you may wish to make any additional arguments in relation to disclosure of the entire datasets”
 - We anticipate that our response will be the same as regards any future requests of this nature, however we would be grateful if you would kindly inform us of any further requests so that we may have the opportunity to review our response and consider whether it should be amended.
- “It would be helpful to understand what may have changed so we can also take that into account”

- The scope and nature of the request have evolved and as a result we have given further consideration to the nature of the request and reassessed it in light of the statutory exemptions to disclosure
- “It would be helpful to understand if disclosure of any of the information in the full datasets raises national security risks to the extent any of the links identified in the datasets are used for critical infrastructure”
 - We have amended our response to the request, as below, to address this issue in light of further information obtained.

MBNL’s RESPONSE

Thank you for your email dated 3 July 2025. We write to confirm that the information requested by APWireless should not be disclosed by Ofcom, on the grounds contained with regulations 15(5)(e) and (a) of the *Environmental Information Regulations 2004*.

You are of course aware that MBNL is a joint venture that manages the shared mobile infrastructure of EE Ltd and Hutchison 3G (UK) Limited (“the Shareholders”).

1. Regulation 12(5)(e): disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest

We set out below and apply the 4-stage test adopted by the Tribunal in *Bristol City Council v Information Commissioner and Portland and Brunswick Squares Association*.

I. The information is commercial or industrial in nature

The information requested by APWireless concerns telecommunications sites which comprise the Shareholders’ shared [REDACTED]

[REDACTED] and is both commercial and industrial in nature:

- [REDACTED]

- [REDACTED]

[REDACTED]

II. Confidentiality is provided by law

As above, information relating to transmission equipment is directly relevant to the Shareholders' site (and therefore network) coordination, which is protected under the common law of confidence. The information has the necessary quality of confidence:

- - i. the information requested is not "trivial", [REDACTED]
 - ii. the information is not readily in the public domain. [REDACTED]

[REDACTED]

Separately but crucially, the 4G network of EE Ltd, underpins the UK's Emergency Services Network (ESN), which is used to provide unified communication for British emergency services. The provision of that service is subject to strict contractual provisions between EE and the Home Office, which create obligations concerning confidentiality.

III. Confidentiality protects a legitimate economic interest

[REDACTED]

With that context in mind, APWireless' annual accounts (2024) set out the following information:

"If the mobile network operators or tower companies consolidate their operations... or share site infrastructure to a significant degree, our business and profitability could be materially adversely affected".

- [REDACTED]

The same annual accounts further comment as follows:

“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...”

- [REDACTED]

- [REDACTED]

- Maintaining confidentiality protects legitimate economic interests of MBNL and the Shareholders. [REDACTED]

IV. Confidentiality would be adversely affected by disclosure

As per the ICO's guidance on Freedom of Information and Environmental Information Regulations, at Commercial or Industrial Information (Regulations 12(5) (e)):

"[a]lthough this is a necessary element of the exception, once the first three elements are established, we consider it is inevitable that this element will be satisfied. Disclosure of truly confidential information into the public domain would inevitably harm the confidential nature of that information, and would also harm the legitimate economic interests that you have already identified."

2. **Regulation 12(5)(a): disclosure would adversely affect national security or public safety**

a. National security

ICO guidelines confirm that mundane information about civil infrastructure can engage the exemption provided by regulation 12(5)(a).

As above, EE Ltd provides coverage for the ESN. [REDACTED]

[REDACTED]

b. Public safety

ICO guidelines confirm that "details about systems designed to protect public safety" and "information that would undermine the security of particular establishments, operations or infrastructure", are "likely to be covered" by the exemption contained within regulation 12(5)(a).

Any disruption to or compromise of the infrastructure as set out above within 2.a) poses a clear risk to public safety that would result in hurt or injury. Affected infrastructure is fundamental to protecting public safety by providing network facilities to the police, fire and rescue and ambulance services.

Separately to the above, we note that APWireless claims to be the Shareholders' landlord at the sites referenced in its request for disclosure. Whilst it is correct that APWireless has forcibly intervened in a number of the Shareholder's sites by purchasing the freehold or securing a superior leasehold interest and has therefore become the *Shareholders'*

intermediate landlord, MBNL has not had the opportunity to validate the statement that APWireless is the landlord at the sites in question. We would of course be happy to make those enquiries and share the outcome with Ofcom in due course, but in the event that APWireless is not the landlord at any of the sites the reasons against disclosure become increasingly manifest.

Kind Regards,



[Redacted]



[Redacted] [@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)



Mobile Broadband Network Limited
Sixth Floor, Thames Tower
Station Road, Reading, RG1 1LX

A joint venture company between EE and Three

From: [Redacted] [@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Sent: 17 July 2025 09:18

To: [Redacted] [@ofcom.org.uk](mailto:[Redacted]@ofcom.org.uk)>; [Redacted]

[Redacted] [@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Cc: [Redacted] [@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

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CON3 - THIS COMMUNICATION IS CONFIDENTIAL TO MBNL & NAMED SUPPLIERS ONLY

Hi [REDACTED],

Thank you for your email. I was out of the office yesterday, but I wanted to acknowledge receipt of your message. We are currently reviewing the questions you've raised and aim to provide a full response by close of business on Friday, 18th July 2025.

Best regards,

[REDACTED]

[REDACTED]



- [REDACTED]
- [REDACTED] [@mbnl.co.uk](mailto:[REDACTED]@mbnl.co.uk)
- Mobile Broadband Network Limited
Sixth Floor, Thames Tower
Station Road, Reading, RG1 1LX

A joint venture company between EE and Three

From: [REDACTED] [@ofcom.org.uk](mailto:[REDACTED]@ofcom.org.uk)>
Sent: 16 July 2025 15:03
To: [REDACTED] [@mbnl.co.uk](mailto:[REDACTED]@mbnl.co.uk)>; [REDACTED] [@mbnl.co.uk](mailto:[REDACTED]@mbnl.co.uk)>
Cc: [REDACTED] [@mbnl.co.uk](mailto:[REDACTED]@mbnl.co.uk)>
Subject: RE: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

Dear [REDACTED],

Thank you for your email and explanation of why you consider the exception in Regulation 12(5) (e) EIR applies to APWireless' request. APWireless has in the meantime asked for the entire datasets of August 2021 and May 2023 we hold relating to MBNL's links. [REDACTED]

We presume the same arguments you have provided below will also apply in relation to disclosure of the entire datasets but would be grateful if you could please confirm or whether you may wish to make any additional arguments in relation to disclosure of the entire datasets?

We also note that you have not previously expressed concerns in response to similar requests

from APWireless (see, for example, the attached email) and it would be helpful to understand what may have changed so we can also take that into account.

Finally, it would be helpful to understand if disclosure of any of the information in the full datasets raises national security risks to the extent any of the links identified in the datasets are used for critical infrastructure.

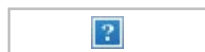
In accordance with the requirements under the EIR, we will take your responses into account and will carry out a public interest assessment in order to determine whether the public interest lies in favour of disclosing or withholding the requested information.

We would be grateful if you could please respond by 23 July 2025 so that we can meet the statutory deadlines under the EIR.

Kind regards,

[Redacted]

[Redacted]



Riverside House
2a Southwark Bridge Road
London SE1 9HA
www.ofcom.org.uk



[Redacted]

From: [Redacted] <[\[Redacted\]@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Sent: 08 July 2025 17:08

To: Information Requests <Information.Requests@ofcom.org.uk>; [Redacted]

[Redacted] <[\[Redacted\]@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Cc: [Redacted] <[\[Redacted\]@ofcom.org.uk](mailto:[Redacted]@ofcom.org.uk)>; [Redacted]

[Redacted] <[\[Redacted\]@mbnl.co.uk](mailto:[Redacted]@mbnl.co.uk)>

Subject: EXTERNAL:RE: FOI/EIR from APWireless about MBNL radio Equipment

[Redacted]

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[REDACTED]

III. Confidentiality protects a legitimate economic interest

[REDACTED]

With that context in mind, APWireless’ annual accounts (2024) set out the following information:

“If the mobile network operators or tower companies consolidate their operations... or share site infrastructure to a significant degree, our business and profitability could be materially adversely affected”.

[REDACTED]

The same annual accounts further comment as follows:

“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...”

[REDACTED]

[REDACTED]

[REDACTED]

Maintaining confidentiality protects MBNL's legitimate economic interests.

[REDACTED]

IV. Confidentiality would be adversely affected by disclosure

As per the ICO's guidance on Freedom of Information and Environmental Information Regulations, at Commercial or Industrial Information (Regulations 12(5) (e)):

"[a]lthough this is a necessary element of the exception, once the first three elements are established, we consider it is inevitable that this element will be satisfied. Disclosure of truly confidential information into the public domain would inevitably harm the confidential nature of that information, and would also harm the legitimate economic interests that you have already identified."

We note that APWireless claims to be MBNL's landlord at the subject sites. Whilst it is correct that APWireless has forcibly intervened in a number of the Shareholder's sites by purchasing the freehold or securing a superior leasehold interest and have therefore become the Shareholders' intermediate landlord, MBNL has not had the opportunity to validate the statement that APWireless is the landlord at the sites considered in this request. We would of course be happy to make those enquiries and share the outcome with Ofcom in due course, but in the event that APWireless is not the landlord at any of the sites the reasons against disclosure become increasingly manifest.

Kind regards

[REDACTED]

[REDACTED]



- [REDACTED]
- [REDACTED]@mbnl.co.uk
- Mobile Broadband Network Limited
Sixth Floor, Thames Tower
Station Road, Reading, RG1 1LX

A joint venture company between EE and Three

From: Information Requests <Information.Requests@ofcom.org.uk>
Sent: 03 July 2025 10:44
To: [REDACTED]@mbnl.co.uk; [REDACTED]@mbnl.co.uk
Cc: [REDACTED]@ofcom.org.uk
Subject: FOI/EIR from APWireless about MBNL radio Equipment
[REDACTED]

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Dear [REDACTED] and [REDACTED]

I hope you are well. We are writing to let you know that we have received another information request from APWireless, requesting information about MBNL's radio equipment at 100 specified sites, specifically whether MBNL is present at the sites identified.

The request

"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 (second attachment) either under the 'block assigned' or 'point to point' fixed licences."

We are dealing with this request under the Environmental Information Regulations 2004. Please

note it is our usual practice to publish all responses to FOI and EIR requests.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We are legally required to share this information with APWireless, unless a specific exception in the EIR applies (and on balance we consider the public interest favours withholding the information). In this case, we think the potentially relevant exceptions to us disclosing this information would be that the information is commercially sensitive or raises national security concerns.

We are therefore writing to you to give you the opportunity to provide your view on whether you consider that disclosing MBNL's presence at any of the relevant sites (1) is confidential and that disclosure would adversely affect MBNL's legitimate interests; or (2) raises national security risks to the extent the links are used for critical infrastructure. If you would like to raise concerns about this request, we would be grateful if your response could take into account that the requestor claims to be MBNL's landlord which is likely to be relevant to any claim of commercial confidentiality.

You may find it helpful to refer to the ICO's guidance in relation to the [national security exception](#) and the [commercial confidentiality exception](#).

[REDACTED]

Given the statutory deadline of 11 July 2025 for us to reply to APWireless, we would be grateful if MBNL could get back to us on this by **Tuesday 8 July**.

More generally, it would be helpful to understand your thoughts on why APWireless (and other

organisations) direct these requests to us knowing that we hold incomplete and out-of-date information? We understand MBNL may not be a Code Operator under the Electronic Communications Code but it's unclear to us why that may mean they cannot contact you about these matters directly. We are considering how best to deal with these requests going forward and any thoughts you have on this would be very helpful.

Kind regards
Information Requests

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