

Reference: 636510

Jerin John  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

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### **Freedom of Information: Right to know request**

Thank you for your request for information about broadband in Oldmeldrum.

This was received by Ofcom on 9 November and it has been considered under the Freedom of Information Act 2000 ("the FoIA").

You asked:

*I would like to know within the village of Oldmeldrum how many homes have been designated to only get a phone line direct from the old exchange and how many homes have been deemed to be allowed super-fast broadband from the green boxes supplying it. I have been advised I'm not to get super-fast broadband because I live too close to the exchange and Openreach have decided to only give those homes a connection using the copper lines. Whilst those further away are to get super-fast broadband. I'm advised there are no plans to upgrade the old exchange. Annoyingly I live a couple of minutes from the exchange. And my next-door neighbour only 1 inch further away is allowed super-fast broadband.*

With regards to your request, any data held would not be on a village basis, as some homes may be designated as part of the village, but some may be served by adjacent exchanges. We do hold information in relation to homes served by an exchange, but this is subject to a prohibition on disclosure set out in section 393 of the Communications Act 2003 and is therefore exempt under section 44 of the FoIA. This is because the information relates to a business which we have obtained in the exercise of our powers under the Communications Act 2003 (in this case, Openreach). We are prohibited from disclosing this information to you in response to your request unless we have the consent of that business, which does not apply here. Section 44 is an absolute exemption under the FoIA and does not require a public interest test.

It may be helpful to provide some background information. All premises have a line from the exchange; some go direct while others pass through an intermediate green cabinet. However, a line that passes through a green cabinet does not automatically mean that it has been 'deemed to be allowed' superfast broadband. This will depend on the length of line between the premises and the cabinet and the capacity of the active cabinet to serve superfast broadband to all connected lines.

Those lines that pass directly between the exchange and the premises without passing through an intermediate cabinet (termed 'EO') cannot have superfast broadband from the exchange as this may induce interference on all other superfast broadband users in the area. There are options to address this (for example, deploying a new intermediate green cabinet for such lines), but we do not have visibility of any options or plans that Openreach may or may not have in this regard in this area. Our information gathering examines only what exists, not what is potentially available.

If you have any queries, please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

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 undertaking 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:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

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