

Reference: 02031593

Information Requests
information.requests@ofcom.org.uk

15 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 4 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?

Our response

To answer your request, Ofcom would need to identify, locate and review all correspondence that has been received by the relevant departments since Ofcom was created in 2003 - this would take us over the permitted timescales for FOI requests.

Section 12 of the FOI Act provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour. Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and as such the cost of complying with your request will exceed the appropriate limit.

You may wish to consider submitting a further request with a narrower scope, such as a limited date range. However, exemptions may still apply to any narrower request, for example S44 of the FOI Act.

To be helpful, by way of background, rights for telecoms operators to install infrastructure on private land are regulated under the Electronic Communications Code - [Schedule 3A of the Communications Act 2003](#) and are normally subject to such an agreement between the landowner and the telecoms operator. However, rights that pre-date the introduction of the Electronic Communications Code in 2017 are also recognised, for example as 'subsisting agreements', pursuant to transitional provisions in the legislation. Furthermore, rights acquired before 1984 predate the requirement for wayleaves.

Ofcom does not have an enforcement role in relation to such rights and consequently it does not routinely receive correspondence about such matters.

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](#).