

Reference: 02175272

Information Requests
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18 May 2026

Freedom of Information request: Right to know request

Thank you for your request for correspondence between Ofcom and MBNL re FOI/EIR requests.

We received this request on 18 March 2026. We wrote to you on 15 April 2026 to say we needed more time to consider your request in order to identify various documents and for us to communicate with stakeholders. We have considered your updated request under the Freedom of Information Act 2000 (the 'FOI Act') and the Environmental Information Regulations 2004 (the "EIR").

Your request

I write on behalf of AP Wireless (UK) Ltd to make a request for information under the Freedom of Information Act 2000 and, insofar as applicable, the Environmental Information Regulations 2004 (EIR).

Background

This request relates to a series of FOI / EIR requests and internal review correspondence between AP Wireless and Ofcom concerning MBNL's presence at specific sites, including (without limitation) the following Ofcom references:

- * 1839614 (Ofcom letter dated 16 July 2024)*
- * 02013693 (Ofcom decision dated 8 August 2025)*
- * 02066503 (Ofcom decision dated 16 September 2025)*
- * 02084009 (Internal Review decision dated 17 November 2025)*

In those responses, Ofcom repeatedly refers to having considered representations from MBNL and, in some cases, correspondence or advice received from MBNL in deciding to withhold information.

Information requested

Please provide copies of any correspondence (including emails, letters, attachments etc) between Ofcom and MBNL which relate to, refer to, or were generated for the purposes of:

- 1. Any of the FOI / EIR requests listed above; and/or*
- 2. Any decision, public interest assessment, or internal review concerning AP Wireless' requests for information about MBNL's presence at sites or MBNL's use of block-assigned or point-to-point licences.*

This request includes (but is not limited to):

- * Requests by Ofcom to MBNL for views, representations, or consent to disclosure;*
- * Responses or submissions provided by MBNL to Ofcom;*
- * Any correspondence discussing whether information should be disclosed, withheld, or redacted under FOIA or the EIR.*

Scope limitation and exclusions

For the avoidance of doubt, this request does not seek:

- * Technical network data;*
- * Site coordinates, grid references, or deployment maps;*
- * Details of network topology, capacity, or operational parameters.*

If necessary, AP Wireless is content for:

- * Commercially sensitive figures, technical detail, or security-sensitive content to be redacted; and/or*
- * Disclosure of correspondence in redacted form, provided the substance of MBNL's representations and Ofcom's engagement with them remains intelligible.*

Our response

By way of background, our general approach has been to write to MBNL to establish if they have any concerns or objections in relation to Ofcom disclosing the requested information, taking into account the ICO's published guidance on potential exceptions.

We have then taken MBNL's views into account and decided what exceptions to apply and what information it is appropriate to disclose, taking into account our public interest assessment.

We have also shared draft public interest assessments with MBNL to ensure they contained an accurate summary of MBNL's comments and that there were no factual errors.

We have attached various emails of correspondence between Ofcom and MBNL we consider to be within the scope of your request.

These emails contain redactions of information we consider falls under Regulations 12(5)(a) and/or 12(5)(e) EIR because it raises national security and public safety concerns and/or concerns that disclosure would adversely affect MBNL's and/or its shareholders' commercial interests. Specifically, those concerns are:

1. The same as those explained to you in our responses dated 8 August 2025, 16 September 2025 and 17 November 2025; or
2. Relate to MBNL's articulation of why they consider information under 1 falls under Regulations 12(5)(a) and/or 12(5)(e) EIR. MBNL should expect that their detailed explanations of why they consider specific information to fall under an exemption in the EIR will be kept confidential and those explanations indicate how APWireless or another third party could use the requested information to adversely affect national security, public safety and/or MBNL's commercial interests. We consider those explanations raise the same or similar national security and public safety concerns and/or concerns that disclosure would adversely affect MBNL's and/or its shareholders' commercial interests as 1.

In relation to the public interest in disclosing, we recognise the importance of transparency around the process we follow when making decisions about what to disclose and are disclosing various emails in response to your request.

In relation to the redacted information which we consider falls under Regulations 12(5)(a) and/or 12(5)(e) EIR, we again note that APWireless has not identified a public interest in the disclosure of this information which is independent from its commercial position.

On 1, we remain of the view that no material public interest has been identified in the disclosure of the redacted information, and we are therefore not able to conclude that the factors in favour of withholding the redacted information are outweighed.

On 2, we consider it important for companies such as MBNL to have a free and frank exchange with us about why they consider specific information to fall under an exemption in the EIR. As noted above, we consider businesses should be able to expect confidentiality to be preserved in relation to such exchanges and these exchanges allow us to effectively comply with our obligations under the EIR. Having regard to those exchanges with MBNL, we consider our previous responses – and in particular our public interest assessment set out in our response dated 8 August 2025 – contained detailed and sufficient reasoning for you to understand why we consider information under 1 to fall under Regulations 12(5)(a) and/or 12(5)(e) EIR. It is also clear from the emails we are disclosing how we have engaged with MBNL when considering APWireless' requests. As noted above, no material public interest has been identified in the disclosure of the redacted information, and for all these reasons we conclude that the factors in favour of withholding the redacted information are outweighed.

We have also redacted personal data which is exempt under Regulations 12(3) and 13 EIR.

There was no additional correspondence with MBNL in relation to the Internal Review decision dated 17 November 2025.

More generally, we note that you have now submitted numerous requests for similar information to Ofcom over the past two years. These requests only appear to serve your private commercial interests and we do not consider the EIR process to be an appropriate mechanism for businesses to seek to achieve a commercial advantage. These requests also require significant time and effort to respond to and are placing increasing burdens on staff. We will take these factors into account – in particular whether we consider you to be misusing the EIR process and are imposing an unreasonable burden on Ofcom – when deciding how to respond to any future requests.

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](#).