

Reference: 1415583

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Information Rights Adviser
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21 March 2022

Freedom of Information: Right to know request

Thank you for your request for information about superfast broadband. We received this request on 21 February 2022 and have considered it under the Freedom of Information Act 2000 (“the FOI Act”).

Your request and our response.

You asked

1. Please provide any documentation relating to any discussion by Ofcom and/or partners relating to the cost of broadband services where the subscriber cannot achieve Superfast (30Mbs) speeds utilising VDSL.

We are unable to provide this information as we consider that disclosure of this information is exempt under the FOI Act. In particular, we consider the exemption in section 12 of the FOI Act would apply.

Section 12 of the FOI Act provides that we are not obliged to comply with a request for information if we estimate 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 (the “Regulations”), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, 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, which equates to 18 hours of time.

While we would hold information within the scope of your request, the information is not readily accessible and a considerable amount of time would be required to locate, retrieve and extract the information specified in your request because this will involve searching through a very large number of emails, minutes, and documents, covering our broadband projects for at least the last twelve years, to find “any discussion” of the relevant topic. We estimate locating and extracting the information would take over 18 hours.

You may wish to consider submitting a narrower, more focused request and we would be happy to consider this under the FOI Act. Should you decide to make a further request for information, please note that other exemptions may apply.

2. Please supply the total number of subscribers who cannot achieve Superfast broadband (30 Mbs) speeds in England utilising VDSL. (Note DCMS do not have this information, and Thinkbroadband, recommended by DCMS do not have total figures).

We have interpreted your question as requesting the number of premises in the UK that are not expected to achieve superfast broadband speeds despite VDSL technology being available. From the data published in our recent open data files [here](#). We find that 698,000 residential properties have fixed line broadband services available that use next generation access ('NGA') technology (such as cable broadband, fibre and DSL technologies) but the maximum speed available is not superfast (i.e. <30Mbit/s). These properties are highly likely to be served solely by VDSL.

For further information on our broadband codes of practice these can be found [here](#).

I hope this information is helpful. 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,

Gloria Akinyemi

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk.

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF