

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 15 April 2025

Public Authority: British Telecommunications PLC
Address: 1 Braham Street
London
E1 8EE

Decision (including any steps ordered)

1. The complainant requested information about telephone exchanges. BT provided some information, but not within 20 working days. The complainant argued that BT had breached the EIR.
2. The Commissioner's decision is that the information requested was not environmental and so no obligation under the EIR could have arisen.
3. The Commissioner does not require further steps to be taken.
4. In decisions on two separate complaint, being issued today, the Commissioner has determined that both BT and its subsidiary Openreach Ltd are public authorities for the purposes of the EIR. Copies of those decisions are being provided to the complainant alongside this one.

Nomenclature

5. For ease, the Commissioner has referred in this notice to "BT". Each such reference should be read as referring to the company identified at the top of this notice. The Commissioner recognises that "BT" is essentially a brand associated with several companies within the BT Group. However it is the company named in this decision that is registered with Ofcom and that is subject to a Universal Service Obligation.

Request and response

6. On 30 April 2024, the complainant wrote to the public authority and requested information in the following terms:
 - "Given that some 4500 exchanges are set to close by the early 2030s what will be the status of the ownership of those buildings?
 - "What proportion would be returned to public ownership?
 - "Is there a plan for those assets to be released, and how would the bidding process be facilitated?
 - "Has an estimate of the sales value of that estate been made?
 - "Is it included in shareholder projections?"
7. The public authority did not respond to the request. It subsequently confirmed to the Commissioner that it did not consider itself to be covered by the EIR.
8. However, during the course of the investigation, the public authority did provide some information to the Commissioner to be passed onto the complainant. It noted that virtually all of its exchanges had been sold to a private company in 2001 under a sale and leaseback agreement. As such, it now leased the exchanges and therefore, once it decided it no longer had a need to retain them, it would simply return the lease to the landlord.

Scope of the case

9. The complainant has indicated that he is reasonably content with the response BT has provided. However, he wished the Commissioner to consider whether BT was in fact covered by the EIR so that he could submit further requests. He was also unhappy about the time it took BT to respond.

Reasons for decision

Is the requested information environmental?

10. The Commissioner is not satisfied that the information in this case is environmental.
11. BT has confirmed that it does not own the vast majority of its exchanges, it simply leases them.
12. As such, the only information BT could hold would be related to the lease agreement. Once the lease has been handed back to the landlord, it is up to the landlord to decide what to do with the existing land. Once BT has relinquished its lease, it no longer has an interest in what happens to the property next.
13. The Commissioner has previously accepted that the transfer of the ownership of land can be environmental. This is particularly when the transfer of that land is done in anticipation of a change in the way that land is used – for example a council selling land for a housing development.
14. However, the information BT holds does not relate to a change of ownership. The landlord retains ownership of the land throughout. Nor does the information relate to the way the land is used or will be used in the future. The reversion of a lease, back to the original owner does not indicate that the land will be used for a different purpose in future.
15. Were BT intending to sell land for development, the information might be environmental. However, BT cannot sell the land as the land is not BT's to sell. BT has already relinquished its right to control future use of the land once it no longer has a need to retain it.
16. The Commissioner is not satisfied that the requested information is on the elements of the environment or on any activity or measure affecting them. Nor is it information on how cultural sites are affected by the elements of the environment or by environmental measures. It is therefore not environmental information.
17. As the request did not seek environmental information, it is irrelevant whether BT is a public authority for the purposes of the EIR or not. If no request for environmental information has been made, no EIR obligation can arise.
18. However, as the Commissioner has separately decided that BT and Openreach Ltd are public authorities, he has included a copy of those decisions alongside this one.

Right of appeal

19. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
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Information Commissioner's Office
Wycliffe House
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SK9 5AF