

Reference: 616886

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

Thank you for your request for information where you asked about Ofcom's licensing regarding counter surveillance, as well as surveillance operations.

This was received by Ofcom on 16 September and it has been considered under the Freedom of Information Act 2000.

You asked:

*My request is for information on Clackmannan council Ofcom licencing regarding counter surveillance, as well as surveillance operations.*

*Does local authority (Clackmannanshire Council or third parties acting on behalf of) have right to quell "surveillance activities" on their public figures, buildings/property, employees & tenants through Ofcom's' radio spectrum licencing also? as this is something that could not be found by internet search.*

In the specific context of your request, we have taken the term 'quell' in relation to electronic surveillance to mean countermeasures that would amount to interfering with or jamming a radio transmission. Such action would be considered unlawful, except where specific legislation exists to authorise such measures.

Ofcom is not able to authorise the use of any jamming equipment. A radio frequency jammer is a device constructed, adapted or intended to be used to prevent the receipt of radio transmissions by a receiver relevant to its function (see <https://www.ofcom.org.uk/spectrum/interference-enforcement/spectrum-offences/jammers>). Section 68 of the Wireless Telegraphy Act 2006 makes it a criminal offence to use equipment for the purposes of causing deliberate interference to wireless telegraphy in the U.K.

Additional information about Ofcom protecting and managing the airwaves is available on our website here: <https://www.ofcom.org.uk/spectrum/interference-enforcement>.

If you have any queries, then 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:

Jacqui Gregory  
The Secretary to the Corporation  
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