

Reference: 756176

Jerin John
Information Rights Adviser
Email: information.requests@ofcom.org.uk

5 September 2019

Freedom of Information: Right to know request

Thank you for your request for information about 5G health and safety.

This was received by Ofcom on 9 August and it has been considered under the Freedom of Information Act 2000.

You have provided us with a background to your request, where you said:

With reference to 5G roll out. I have received a reply from the HSE via a FOI request who confirmed that local authorities & all public bodies have a duty of care and liabilities to the public. They have suggested that I should also contact you on this matter.

As there are many thousands of peer reviewed studies that show the potential dangers and hazards in relation to 5G operation, and as far as I am able to ascertain there are no peer reviewed studies that state that 5G non-ionising radiation is safe.

You then requested information for the following:

1. *Do local authorities and County Councils have a duty of care to the public?*
2. *Do the above authorities have a liability in regard to public safety?*
3. *Who is responsible for ensuring the safe operation of 5G?*

In response to questions 1 and 2, it may be helpful to know that Ofcom is legally independent of and not part of Government and is not a local authority or County Council. Ofcom is a statutory corporation that was created by the Office of Communications Act 2002. We do not hold information on whether local authorities and County Councils have a duty of care and liability to the public with respect to the safety of 5G technology deployment in their geographic locations. We do not have any specific statutory duties relating to public health effects of electromagnetic field emissions ("EMF emissions") exposure. Our remit covers regulating the operation of mobile networks in relation their use of radio frequencies.

In response to question 3, Public Health England (PHE) is responsible for advising on EMF emissions exposure and we take their recommendations into account in how we manage radio waves. They have found no evidence that 5G poses any new health risks compared to previous mobile technologies. The radio waves that will be used for 5G have been used safely in telecoms and other services for many years. They are used to deliver services such as TV broadcasting, wireless broadband and satellite connections.

A summary of PHE advice on radio waves, including relevant research, can be accessed in the following link: <https://www.gov.uk/government/collections/electromagnetic-fields#radio-waves>. As noted there, the PHE's position is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (the "ICNIRP Guidelines"). The 2016 [Code of Best Practice on Mobile Network Development in England](#) (the "Code of Practice") states that mobile "*operators will continue to develop their networks responsibly and are committed to ... [the ICNIRP Guidelines]*". This Code of Practice, developed by a working group including representatives of Government and mobile operators, explains that mobile operators will demonstrate their compliance with the ICNIRP Guidelines by providing a declaration that they comply with [Recommendation 1999/519/EC](#) made by the European Council (which is based on the ICNIRP Guidelines) when applying for planning permission for a new site or a change to an existing site.¹

You may find it helpful to browse through our responses to previous Freedom of Information requests on the subject of 5G here: <https://www.ofcom.org.uk/about-ofcom/foi-dp/foi-responses>.

If you have any queries, please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

¹ Please see paragraph 7.5 and Appendix D of the Code of Practice.

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:

Corporation Secretary
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