

Reference: 640019, 640028

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19 December 2018

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

Thank you for your request for information about the breaches of conditions for use of wireless telegraphy in Northern Ireland and wireless broadband frequencies.

This was received by Ofcom on 21 November and it has been considered under the Freedom of Information Act 2000 (“the Act”).

You asked for the following:

- 1. Please confirm full details of all notices issued for contraventions of conditions for use of wireless telegraphy to all wireless broadband companies in Northern Ireland in the past 24 months. Please confirm companies issued with such a notice along with the amount of notices issued to each. I would also request that you confirm if each case was complaint driven. Finally, please confirm what confirmed interference was confirmed as caused by any such breaches in each case.*
- 2. Please confirm what efforts are being made or have been made to assist wireless broadband companies to deliver vital services to the general public. In detail please describe what frequencies have been cleared for use of such broadband companies and what those frequencies are currently. Also, what provisions are in place to allow use of further frequencies to be used and what assistance is given to stop interference within this band to allow companies to deliver services.*

Regarding part 1, I can confirm that we do hold some of the information requested. Ofcom may give a notification under section 39(1) of the Wireless Telegraphy Act 2006 (a “Contravention Notice”) where it determines that there are reasonable grounds for believing that person is contravening, or has contravened, a term, provision or limitation of a wireless telegraphy licence or an exemption under section 8(3) of the Wireless Telegraphy Act 2006. Ofcom may also give Fixed Penalty Notices.

In the past 24 months, we have issued seven Contravention Notices to three wireless broadband companies in Northern Ireland and one Fixed Penalty Notice to one wireless broadband company in Northern Ireland in the same period.

All eight Notices were issued in total following investigations that commenced as a result of a complaint of harmful interference.

In one case where we issued a Fixed Penalty Notice, interference was caused to the Meteorological Office's rainfall radar in Lisburn, Northern Ireland.

However, we cannot disclose the identities of the companies in receipt of a Contravention Notice as it is exempt under section 44 of the Act. Under this section, information which we hold on this subject is exempt from disclosure if another enactment prohibits it. Section 393(1) of the Communications Act 2003 prohibits disclosure of information about a business, unless we have consent or doing so would facilitate the exercise of our functions; neither of which apply in this case. This is an absolute exemption under the Act and does not require a public interest test.

Regarding part 2, we have an information page for Mobile and Wireless Broadband:

<https://www.ofcom.org.uk/manage-your-licence/radiocommunication-licences/mobile-wireless-broadband>. In particular, there are sections which outline the licensed and licence-exempt spectrum available for broadband wireless and giving Frequency and Technical Information. There are also links to pages for Mobile and Wireless below and above 5 GHz<sup>1</sup> which set out detailed frequency and licensee details of current allocations.

Our Spectrum Information System<sup>2</sup> provides basic information about individual licences that can be traded and is searchable by licence type and frequency band. Details of future awards of public spectrum are shown on the page for Prospective Awards<sup>3</sup>. Ofcom's approach to dealing with reported interference is published on our website<sup>4</sup>.

If you have any queries, 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

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<sup>1</sup> <https://www.ofcom.org.uk/manage-your-licence/radiocommunication-licences/mobile-wireless-broadband/below-5ghz>, <https://www.ofcom.org.uk/manage-your-licence/radiocommunication-licences/mobile-wireless-broadband/uk-spectrum-access>

<sup>2</sup> <http://spectruminfo.ofcom.org.uk/spectrumInfo/licences>

<sup>3</sup> <http://stakeholders.ofcom.org.uk/spectrum/spectrum-awards/prospective-awards/>

<sup>4</sup> <https://www.ofcom.org.uk/spectrum/interference-enforcement>

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