Freedom of Information: Right to know request

Thank you for your request for information where you asked, among other things, for “a map and list of all the mast towers in Runcorn and Halton district”. Ofcom received this request on 28 May 2019.

You clarified on 25 June that you sought information about the area covered by Halton Borough Council. We explained on 22 July that we do not hold a map of all the mast towers in the area and that we were seeking input from HM Government as to the potential implications of disclosure of a list of the towers on national security matters.¹ We are now able to provide our response in relation to the list.

The information sought is exempt under section 39 of the Freedom of Information Act 2000 (“the Act”). The effect of section 39 is that it exempts information relating to the environment from disclosure under the Act. Requests for such information should be processed in accordance with the Environmental Information Regulations 2004 (“the EIR”). Ofcom has therefore considered this request under the EIR.

The EIR provides that a public authority may refuse to disclose environmental information requested to the extent, among other things, that its disclosure would adversely affect international relations, defence, national security or public safety (regulation 12(5)(a) of the EIR), and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Ofcom has considered your request in light of the relevant statutory scheme. As noted, we have also sought input from HM Government as to the potential implications of disclosure on national security matters. HM Government has advised Ofcom that disclosure of this information raises significant concerns on national security grounds and that it would adversely affect national security.

Taking this into account, Ofcom considers that regulation 12(5)(a) of the EIR is engaged; specifically, that disclosure of the information would adversely affect national security. In applying this exception, Ofcom has balanced the public interest in withholding the information against the public interest in disclosing it and decided that in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosure. In assessing this, under

regulation 12(2), we have applied a presumption in favour of disclosure. Annex A sets out the exception in full, as well as the factors we considered when deciding where the public interest lay.

I can confirm that the requested information is being withheld under regulation 12(5)(a) of the EIR.

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,

Information Requests
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
Annex A

Regulation 12(5)(a) of the Environmental Information Regulations 2004

**The exception**

A public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.

The regulation is engaged because disclosure of this information would adversely affect national security.

**The public interest test**

Regulation 12(5)(a) is subject to the public interest test.

Key points:

Ofcom can refuse to disclose information under this exception only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. In assessing this, under regulation 12(2), Ofcom must apply a presumption in favour of disclosure.

In carrying out the public interest test, Ofcom should consider the arguments in favour of disclosing the information and those in favour of maintaining the exception, attaching the relative weight to each argument (for and against disclosure) to decide where the balance of public interest lies.

We have set out the matters Ofcom has considered in reaching its decision with respect to the public interest below.

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<th>Factors for disclosure</th>
<th>Factors for withholding</th>
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| **Transparency:** There is always a general public interest in transparency. The EIR implements EU Directive 2003/4/EC on public access to environmental information. Recital 1 of the preamble to the Directive states this public interest:  
“Increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.” | HM Government has advised Ofcom that:  
• Disclosure of this information raises significant concerns on national security grounds and would adversely affect national security.  
• Withholding the information would more effectively protect the UK’s Critical National Infrastructure (CNI). CNI is those critical elements of infrastructure (including assets, facilities, systems, networks or processes), the loss or compromise of which could result in major detrimental impact on the |
- **Accountability**: Base stations emit radio frequency radiation, in the form of electro-magnetic waves. Some people believe that radio frequency radiation may impact health. The appropriate public health authorities have set limits which must be complied with when deploying base stations.

- **Information already in the public domain**: Very similar information to that requested is already made available to the public on open source information sites. The location of base stations is also publicly available in some areas, in the form of details published by local planning authorities of the current and proposed base stations in their area.

- The location of mast sites and other technical data is published in France, Belgium and Ireland.  

- Government considers that disclosing aggregated mast location information for the Halton area constitutes a security risk. Its concerns centre on four areas:
  - **Espionage / sabotage**: enabling an attacker to survey which mast sites would be of interest from an espionage, sabotage or disruption perspective.
  - **Jamming**: the jamming of radio signals.
  - **Physical security**: information relating to hub sites (mobile sites that act as their own radio coverage site and also serve to ‘daisy chain’ other sites), switch sites, and data centres would be of particular concern from a national security perspective. The physical security of hub sites will become even more important as features such as Mobile Edge Computing become available.
  - **Developments in emergency services communications**: targeting of the UK’s emergency service communications network which is switching from the private Airwave network to a commercial network.

- Government acknowledges that spectrum and carrier information is not requested, making such an attack more difficult. However, site location provides the starting point for an attack to gain and build additional and more detailed information that may then make any subsequent attack more likely to succeed.

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Government is also concerned that disclosure of aggregated mast location information for the Halton area would set a precedent for disclosure in response to requests about other geographic areas, resulting in further aggregation of mast location information.

Current open source options are of much more limited use to a potential attacker than the data being requested - this aggregated data set being requested would have the potential to be more damaging due to its authoritative status.

### Reasons why public interest favours withholding information

- The greater likelihood of the adverse effect, the greater the public interest in maintaining the exception. This is affected by how extensive the adverse effect is – in this case the adverse effect on national security has the potential to affect Critical National Infrastructure and therefore the security of the United Kingdom and its people, and the opportunity for the adverse effect to arise is ongoing.

- The impact of the adverse effect on national security also has the potential to harm the United Kingdom and its people and is therefore severe.

- The open source information that tracks similar data may present inaccurate, partial or out-of-date data, which makes them of much more limited use to a potential attacker. Using these open source information sites would not yield the same level of accuracy as would be contained in the information requested.

- The location of a base station is already disclosed by some local authorities. However, the security risk arises from bringing the information requested together and disclosing it, and the precedent that sets for disclosing the same information about other geographic areas, which would result in further aggregation.

- On balance, the arguments against disclosure – including the likelihood and severity of the adverse effect on national security, and the increased threat to national security in respect of the requested information when compared to the information already in the public domain - carry greater weight than the arguments in favour of disclosure. Therefore, the public interest in maintaining the exception outweighs the public interest in disclosure.

### Regulation 12(5)(a) exception

I have delegated authority from the Ofcom Board to make decisions in relation to Ofcom’s obligations under the Environmental Information Regulations 2004 (EIR).
Taking into account the advice from government on the potential implications of disclosure, in my reasonable opinion, disclosure of the information requested would adversely affect national security. Regulation 12(5)(a) of the EIR therefore applies.

In applying this exception, I have balanced the public interest in withholding the information against the public interest in disclosing the information. I have set out above the factors I considered when deciding where the public interest lies.

I have decided that in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. In assessing this, I have applied a presumption in favour of disclosure.

Disclosure of the information requested is therefore refused under regulation 12(5)(a) of the EIR.

If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Signed:

Date: 19 August 2019

Philip Marnick

Group Director, Spectrum