

Reference: 00905012

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Freedom of Information: Right to know request

Thank you for your request for information in relation to 5G, Eamonn Holmes and David Icke.

We received this request on 20 April 2020 and have considered it under the Freedom of Information Act 2000 (“the Act”) and the Environmental Information Regulations 2004 (“the EIR”).

Your questions and our responses are as follows:

1. *Let me know what evidence you have that 5G will be completely safe when fully rolled out and have no long term effects and the source.*

Ofcom regulates the use of radio frequencies by mobile networks. We are not responsible for setting electromagnetic field (EMF) safety levels, but we do test EMF levels near to mobile phone base stations.

As an expert health body, Public Health England (PHE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, including in relation to 5G.

We have recently updated our [website](#) to provide further information and helpful links in relation to exposure to EMF including information on (a) PHE’s guidance; (b) recent testing and measurements of EMF levels that we have taken near mobile base stations; and (c) the requirements on mobile operators and other spectrum users for ensuring EMF levels from their networks are within internationally agreed safety limits.

Further information [about 5G](#) is also available on our website.

2. *Tell me what evidence there is that masts were attacked because of David Icke, there have been acts of vandalism and law suits around the world against 5G since it was first being rolled out long before the Icke program, how do you account for that?*

Ofcom recently published a [sanction decision](#) regarding the broadcast of an interview with David Icke in the programme *London Real: Covid-19* on the television service London Live. In our decision we found this programme contained potentially harmful statements about the Coronavirus pandemic and adequate protection was not given to viewers, in breach of Rule 2.1 of the

Broadcasting Code. You can read our decision in full here:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/194402/sanction-decision-estv.pdf

The interview that was the subject of this decision did not contain any reference to 5G technology.

On 7 April 2020, YouTube removed a London Real interview between Brian Rose and David Icke in which David Icke made unsubstantiated claims about a link between the roll out of 5G technology and the spread of the Coronavirus. This was a separate interview to the one that is the subject of our decision. To date, Ofcom has not assessed any content involving David Icke and references to 5G technology. [This previous response](#) to an FOI about that interview might be of interest.

3. *Let me know how Ofcom have become the arbitrators of scientific debate and public opinion.*

Ofcom's role, duties and remit were set by Parliament. Ofcom is required under the Communications Act 2003 ("the Act") and the Broadcasting Act 1996 to draw up a code for television and radio, covering standards in programmes amongst other things. The Code is based on the requirements of the law on broadcasting, namely [section 319\(2\) of the Act](#) which requires Ofcom to set standards for the content of programmes to secure a range of objectives, which include, for example:

- that persons under the age of eighteen are protected;
- that material likely to encourage or to incite the commission of crime or to lead to disorder is not included in television and radio services; and
- that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material.

4. *Tell me why there are never any sanctions against the BBC despite them receiving more complaints than any other media organisation and why people have to jump through more hoops to complain about the BBC to Ofcom than any other organisation?*

Ofcom was given new regulatory powers to regulate the BBC's content in 2017. These powers, and the approach under which BBC complaints are considered, were determined by the Government and set out in the BBC Charter and Agreement, as reflected in our procedures¹.

Ofcom can normally only consider complaints where the complainant has already complained to the BBC and the BBC has reached its final decision on that complaint. Ofcom may, in exceptional circumstances, intervene at an earlier stage to handle and resolve a complaint which has not been resolved by the BBC. Whether Ofcom decides to intervene at an earlier stage in any such complaint will depend on the relevant facts in each case. Ofcom may also launch investigations on its own initiative as well as investigate complaints.

¹See: https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigatingbreaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

Complaints about broadcast standards are carefully assessed under Ofcom's Broadcasting Code² which sets standards for programme content that broadcasters must follow. In line with Ofcom's published complaints procedures³ we review every complaint we receive to make an initial assessment. We then assess the relevant broadcast content to consider whether it raises potentially substantive issues under the Code. If we consider that these standards may have been breached, we will investigate.

The volume of complaints received may be a consideration in assessing general audience reactions, but it is not determinative as to whether Ofcom will proceed to investigate any given case. Rather, it is the particular issues which have been raised by the complainant(s) which are of primary concern in Ofcom's assessment of a programme.

You can find decisions about complaints we have considered in Ofcom's Broadcast and On Demand Bulletin, published every fortnight on our website here:

<http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins>.

Ofcom has previously recorded sanctions (including financial penalties) against the BBC as follows:

- [The Russell Brand Show, BBC Radio 2, October 2008](#)
- [Dermot O'Leary, BBC Radio 2, June – December 2006](#)
- [Tony Blackburn, BBC Radio London, December 2005 – December 2006](#)
- [Ofcom Sanctions Committee adjudications against various BBC competitions](#)

This is not an exhaustive list and additional sanctions adjudications against the BBC and other broadcasters are available via our [website](#) and, for older decisions, the [National Archives](#).

5. *Tell me how it is okay for the BBC to have conflicts of interest and write glowing articles about organisations and people it is funded by without even clearly stating the fact?*

This is not a valid request under the Act. If you believe the BBC may have breached the rules in the Broadcasting Code, please submit a complaint to the BBC via:

- **Their website:** at www.bbc.co.uk/complaints
- **Phone:** call them on 037 0010 0222 or 037 0010 0212 (textphone)
- **Post:** write to *BBC Complaints, PO Box 1922, Darlington, DL3 0UR*

If you are dissatisfied with the BBC's final response on the matter, please refer your complaint to Ofcom here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>

6. *Tell me how public confidence is undermined by hearing different opinions and how there can ever be a contrary position that does not undermine another position?*

²See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes>

³See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

Our published sanction decision on the broadcast of the interview with David Icke in the programme *London Real: Covid-19* on London Live included the following:

“We recognised that this broadcast took place during a period in which the Government’s lockdown policy to encourage social distancing in response to the Coronavirus crisis has led to an unprecedented restriction on public freedoms in peacetime. In such circumstances, and reflecting the fundamental importance of freedom of expression in our democratic society, it is clearly legitimate for broadcasters to question public policy and the rationale behind it and to robustly hold the Government to account, but in doing so they must ensure compliance with the Code.

The Code enables broadcasters to include challenging or contentious viewpoints in programmes, as in this case. However, they must ensure they provide adequate protection for the audience from the inclusion of potentially harmful material. This is set out in Rule 2.1. It is for the broadcaster to decide how to secure such protection where necessary. Ofcom has published guidance on this to assist broadcasters.”

7. Tell me by name and position who made the decision on Eamonn Homes and David Icke comments – let see if their happens to be any conflicts of interest within Ofcom shall we - or would that undermine public trust?

The final decisions were taken by members of Ofcom’s executive with appropriate Board-delegated authority.

We are prohibited from disclosing the name and position of the decision makers as this information is exempt under section 40(2) of the Act. Section 40(2) provides an exemption for information which is the personal data of any individual, other than the requester, where disclosure of that personal data would be in breach of any of the data protection principles in the General Data Protection Regulations and the Data Protection Act 2018. Those principles include that personal information must be processed fairly and lawfully. This is an absolute exemption and is not subject to a public interest test.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Emma Leech

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