

Reference: 625582

Jerin John
Information Rights Adviser
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Freedom of Information: Right to know request

Thank you for your request for information about radio spectrum usage enforcement.

This was received by Ofcom on 3 October and it has been considered under the Freedom of Information Act 2000 ("the Act").

You asked:

I am a 4th year cybersecurity student currently researching use of "software defined radio" technology for analysing radio spectrum usage as part of my honours project. I wish to find out about Ofcom's enforcement of radio spectrum usage and detection of rogue transmissions. Specifically, I wish to know how Ofcom trace rogue transmission sites and the technologies used in this.

You clarified that you are specifically looking to find out how Ofcom detect radio transmitters operating outside of their licence, i.e. illegal broadcasting or pirate radio transmitters with no licence or licensed users operating outside of their allocation.

Ofcom holds information within your request. Some information about Ofcom's role on illegal broadcasting (pirate radio) is available on our website:

<https://www.ofcom.org.uk/spectrum/interference-enforcement/spectrum-offences/illegalbroadcast>.

Unfortunately, we cannot disclose information specific to how Ofcom detects illegal broadcasting or pirate radio as this is information which relates to law enforcement and the functions of a public authority. It is withheld under section 31(1) of the Act.

In applying the relevant exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing it. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

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

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

<p>Section 31 (1): Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –</p> <p>(a) the prevention or detection of crime;</p> <p>(b) the apprehension or prosecution of offenders.</p>	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none">• Open policy making and public confidence in regulated activities	<ul style="list-style-type: none">• Disclosure of information on how illegal broadcasting or pirate radio station sites are traced would prejudice the effective conduct of Ofcom’s enforcement activities because offenders could use such detailed knowledge to obstruct enforcement action or procedures
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none">• Disclosure of detailed enforcement knowledge regarding tracing illegal broadcasting or pirate radio station sites, which is often in a state of review, could be used by offenders to counter our enforcement activities and would inhibit and prejudice our enforcement ability. It is in the public interest for this not to happen because ineffective enforcement action would lead to a rise in the use of illegal radio equipment which would lead in turn to increased interference to radio users.	