

Reference: 533144

Jerin John
Information Rights Adviser
Information.requests@ofcom.org.uk

13 April 2018

Freedom of Information: Right to know request

Thank you for your request for information where you asked about Connexin Ltd (Connexin).

This was received by Ofcom on 5 April 2018 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked:

Would you please release:

- i) the date upon which Connexin formally submitted its withdrawal to Ofcom.*
- ii) the reason Connexin gave Ofcom for its withdrawal.*

In response, we refer you to our update notice of 16 March 2018 in which we identified that Connexin had decided to no longer participate in the auction of spectrum in the 2.3 and 3.4 GHz band¹.

As regards your specific requests (i) and (ii) above in relation to Connexin's related correspondence, Ofcom cannot disclose the information you requested. It is being withheld as it is exempt under section 44 of the Act. Under this section, any information that we hold which is related to this subject is exempt from disclosure as another enactment prohibits it, in this case section 111(1) of the Wireless Telegraphy Act 2006. We note that disclosure in response to your request (and those exempt under section 44 as set out in our letter of 29 March 2018) would not be made for the purpose of carrying out a function under s.111(3) of the Wireless Telegraphy Act 2006. Section 44 is an absolute exemption under the Act and does not require a public interest test. It is likely that other exemptions would apply.

If you have any further queries, then 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.

¹ https://www.ofcom.org.uk/_data/assets/pdf_file/0016/112165/update-list-bidders.pdf

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:

Steve Gettings
The Secretary to the Corporation
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