

Reference: 529583

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

29 March 2018

Freedom of Information: Right to know request

Thank you for your requests for information, in relation to Connexin Ltd ('Connexin'). We refer also to our update notice of 16 March 2018 in which we identified that Connexin was no longer participating in the auction of spectrum in the 2.3 and 3.4 GHz band.

These requests were received by Ofcom on 21 March 2018 and have been considered under the Freedom of Information Act 2000 (the Act). We have combined your separate requests for information to produce a full response in one letter.

You stated that you are interested in information held regarding the Spectrum Auction, which accepted applications on 8 February 2018. We have therefore searched for information from 8 February 2018 to 21 March 2018. Please find below our response to each of the questions you asked.

Would you please release any forms and formal communications (such as eg. formal notice of application, formal notice of withdrawal) concerning Connexin's bid and withdrawal for which there is no question of their suitability for release under FOI rules.

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. This is an absolute exemption under the Act and does not require a public interest test. It is likely that other exemptions will apply.

Would you please release any forms and formal communications (such as eg. formal notice of application, formal notice of withdrawal) concerning Connexin's bid and withdrawal about which there might be reason to question whether it is permissible for Ofcom to release them under FOI rules.

Any such information would also be exempt under section 44 of the Act. It is likely that other exemptions will apply.

Would you please release all emails between Connexin and Ofcom regarding Connexin's bid and withdrawal.

This is being withheld as it is exempt under section 44 of the Act. It is likely that other exemptions will apply.

Would you please release copies of all emails to and from both Philip Marnick and John Glover of Ofcom's Spectrum Group concerning Connexin's withdrawal from the auction.

Ofcom does not hold the information requested.

If you have any 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.

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