

Request for Information

Thank you for your request for information dated 13 July about mobile “blocking of 3G and 4G data on learners’ personal devices while on provider premises” which has been considered under the Freedom of information Act 2000.

Blocking mobile phones is a criminal offence. Ofcom has powers to seize offending blocker apparatus and prosecute.

Some law enforcement bodies have specific legislation to allow them certain use but nothing for civilian establishments such as schools.

Therefore, we do not hold the information you have requested.

To provide some background, Ofcom is the civil communications regulator. The legislation under which we work has no provisions for us to authorise jammers, whether to civilian, military, Government, Police users etc. Indeed, we have statutory duties that require us to take enforcement action against such apparatus, except where a lawful authorisation exists.

Under Section 8 of the Wireless Telegraphy Act 2006, it is unlawful to install or use wireless telegraphy apparatus except under a licence or where subject to a specific exemption. Under Section 68 (1) of the WT Act 2006, "A person commits an offence if he uses apparatus for the purpose of interfering with wireless telegraphy."

Some legislation (e.g. Police Act 1997, Intelligence Services Act 1994, Prisons (Interference with Wireless Telegraphy) Act 2012) makes provision for the use by law enforcement agencies of apparatus that may cause interference. However, these are generally only for operational use in specific and clearly defined circumstances, not a general permission, and do not extend to third parties.

Ofcom cannot give legal advice; we can only suggest you seek independent legal advice on whether an activity / the circumstances under which it is conducted would be a criminal offence under the Act.

As explained above, Ofcom cannot authorise (licence or exempt) the use of jammers. If work is being done on behalf of a Government Department or other Agency, we recommend seeking their advice about legal issues that may arise.

I hope this information is helpful.

Kind regards
Julia Snape

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