

Reference: 01515398

Temiloluwa Dawodu
Information Rights Advisor
Information.requests@ofcom.org.uk

10 November 2022

Freedom of Information: Right to know request

Thank you for your request as detailed below. We received this request on 12 October 2022 and have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

Your request

In your request, you asked us to *"provide any / all information related to Globalstar USA's application to allow use of its 2483.5 – 2500 mHz spectrum via terrestrial methods"*.

Our response

Please note that equipment operating in 2483.5 - 2500 MHz frequencies can be operated in the UK without needing to apply for a licence if it conforms to the technical provisions set out in [UK Interface Requirement 2016.4](#) (Minimum equipment requirements for the use of land mobile satellite systems).

Turning to your request, we can neither confirm nor deny that we hold any information relating to your request. By virtue of section 44(2) of the FOI Act, the duty to confirm or deny holding information does not arise if the confirmation or denial that would be given in itself reveals information that falls under the exemption in section 44(1) of the FOI Act. Section 44(1) provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. In this instance, section 111(1) of the Wireless Telegraphy Act 2006 ('the Act') prohibits the disclosure of information about a particular business, so long as that business continues to be carried on, which has been obtained in the course of exercising a power conferred by the Act, unless that business consents or one of the statutory gateways under section 111(3) of the Act is met, neither of which apply here.

Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

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,

Temiloluwa Dawodu

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk.

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