

Reference: 1887736

Information Requests
information.requests@ofcom.org.uk

21 October 2024

Freedom of Information request: Right to know request

Thank you for your request for information about EMF safety.

We received this request on 23 August 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”) and Environmental Information Regulations 2004 (the “EIR”).

Your request and our response

Please could you provide information related to Ofcom's general oversight of the requirements related to control of EMF safety.

Guidance on EMF Compliance and Enforcement document indicates in section 12.1 indicates that Ofcom may, from time to time, conduct EMF compliance checks and audits.

Since introduction of the guidance document:

- 1. How many audits have been conducted by Ofcom since publication to evaluate the level of compliance by the industry?*
- 2. If the guidance document is not used as audit criteria - what audit criteria is used?*
- 3. How many findings/compliance notices have been issued by Ofcom during these audits with respect to requirements indicated in the guidance document to evaluate EMF safety and exposure of members of the public?*
- 4. What is the frequency of non-compliance by section of the criteria used ie sections of the guidance document or other audit criteria used? Ie do you monitor the outcomes of the audit to determine what aspects of the guidance industry does not understand/comply with?*
- 5. What is the frequency of successful remediation by operators to move to a state of compliance, as monitored by Ofcom?*
- 6. What is the average time and maximum time taken by a spectrum users to complete remediation actions?*
- 7. What is the maximum time permitted between audits for a spectrum user?*
- 8. What is the maximum time permitted between audits for an individual department within a spectrum user - if the spectrum user has multiple sites dealing with developing sites?*
- 9. How were these audit schedules determined to ensure that oversight of the industry was sufficient to maintain a suitable level of compliance by the industry?*
- 10. What percentage of the total EMF installations have been sampled during these audits - ie what is the sample size compared to the total possible number that could be sampled?*
- 11. What criteria are used to determine what sites are sampled.*

Please note, I am not requesting information regarding your surveys for general background EMF levels. I am requesting information regarding the monitoring/auditing by Ofcom with respect to spectrum users compliance with the Guidance of EMF Compliance and Enforcement document on your website. In some instances you may not actively collect the data that I have requested. In these cases it may be acceptable to indicate that this data is not collected. However, for Ofcom management to have some assurance that the organisation has a good level of oversight of the industry, then I would expect that information regarding questions 1, 3, 5, 9 would be reported to management on a routine basis and can be retrieved relatively easily.

I am requesting information regarding Ofcom oversight of the industry as a whole, not a specific operator/spectrum user. I am not requesting that Ofcom act against a specific spectrum user or regarding a specific site. However, my interactions with the industry regarding compliance with Guidance on EMF Compliance and Enforcement requirements give me concerns that Ofcom oversight of the industry is inadequate.

Our response

By way of background, our approach to monitoring and enforcing compliance with EMF-related conditions was set out in our [February 2020 consultation](#) (paragraphs 4.41-4.45) and confirmed in our [October 2020 Statement](#) (paragraphs 5.152-5.157).

As set out there, prior to the introduction of the EMF licence condition in 2021, Ofcom already carried out random, routine compliance checks of licensed radio equipment as part of its ongoing spectrum assurance work programme. This involves our field engineers carrying out site visits and checking that there is appropriate licence documentation in place and that the radio equipment is being operated in accordance with the licence. Following the inclusion of the EMF condition in licences, we have included an additional check of EMF compliance records as part of these activities. We have also supplemented this by sending letters to licensees to require them to provide evidence that they have appropriate EMF records in place.

If these checks identify any issues, Ofcom can also, at its discretion, undertake measurements to confirm licensees are complying with the EMF condition.

The checks of compliance records that we have undertaken to date have been focused on spectrum users other than mobile network operators (MNOs). As set out in paragraph 1.3 of our EMF Statement, we were concerned that some spectrum users (not including MNOs) “may not be fully aware of the ICNIRP general public limits and/or may not be taking full account of EMF exposure when installing or modifying radio equipment”.

MNOs on the other hand have already been aware of the requirement to take account of EMF exposure for many years. For example, compliance with the ICNIRP Guidelines was already built into the MNOs’ Code of Best Practice on Mobile Network Development, and the operators provide certificates confirming their compliance when applying for planning permission to build or change sites. Also, Ofcom has been carrying out measurements around mobile base stations for many years and these have all shown that EMF levels from mobile base stations are well within the levels in the ICNIRP Guidelines.

While the measurements around mobile base stations are separate to our compliance checks, we note that, if these measurements were to indicate a potential breach of the ICNIRP general public

limits, this would lead to Ofcom undertaking more detailed compliance measurements. However, as mentioned, we have not identified any potential breaches to date.

We also receive complaints from members of the public about potential issues with EMF exposure from mobile phones masts. We review each complaint and apply our technical judgment in deciding whether there is any reason to investigate further. In most cases our review indicates there is no basis to investigate further. In a small number of cases we have required mobile operators to provide their compliance records for us to review. In all such cases reviewed to date, we have not identified any breach of the EMF licence condition.

We respond to each of your detailed questions below. As explained above, our programme of compliance checks has so far focused on spectrum users other than MNOs. Therefore the information provided in answer to your questions is in relation to a range of spectrum licence types including business radio, amateur, maritime and fixed links.

1. How many audits have been conducted by Ofcom since publication to evaluate the level of compliance by the industry?

Since the introduction of our EMF condition and up until 16 September 2024, we have carried out 378 checks of compliance records.

As noted above, our measurements around mobile base stations are separate to compliance checks but could potentially lead to detailed compliance measurements if issues were identified. For completeness we note that during the same time period, we carried out 426 sets of measurements around mobile base stations.

2. If the guidance document is not used as audit criteria - what audit criteria is used?

Our compliance checks are designed to check that licensees are complying with the EMF licence condition, taking into account the guidance in our "Guidance on EMF Compliance and Enforcement".

3. How many findings/compliance notices have been issued by Ofcom during these audits with respect to requirements indicated in the guidance document to evaluate EMF safety and exposure of members of the public?

We have not issued any compliance notices for breach of ICNIRP levels. However some licence holders have failed to provide a copy of their EMF records when requested and this is a breach of licence terms and conditions. In these cases we issue a warning letter (which can lead to enforcement action if compliance issues are not remediated or if further instances of non-compliance are identified). As of the 16th September 2024 we have issued three warning letters.

4. What is the frequency of non-compliance by section of the criteria used ie sections of the guidance document or other audit criteria used? Do you monitor the outcomes of the audit to determine what aspects of the guidance industry does not understand/comply with?

All of the cases of non-compliance to date have been in relation to the failure to provide a copy of the EMF records on request (see section 12.1 of our Guidance).

5. What is the frequency of successful remediation by operators to move to a state of compliance, as monitored by Ofcom?

All cases of non-compliance were remediated.

6. What is the average time and maximum time taken by a spectrum users to complete remediation actions?

Where a licensee fails to provide a copy of their EMF records when requested, we arrange a site visit where one of our engineers checks compliance with the EMF limits. In all 3 cases identified above, the engineer confirmed at that site visit that the licensee was compliant with the EMF limits. During the site visit, we also requested that licensees provide their own EMF records demonstrating compliance. Two licensees provided records within two working days and one licensee provided records within 30 working days.

7. What is the maximum time permitted between audits for a spectrum user?

We do not set a maximum time between audits. The guidance stipulates that a licence holder should complete an EMF calculation at the time of installation and retain their calculations. This should be repeated if any changes are made to their equipment. Licence holders will be contacted to request copies of their compliance documentation at random, and physical audits may be conducted on an ad hoc basis.

8. What is the maximum time permitted between audits for an individual department within a spectrum user - if the spectrum user has multiple sites dealing with developing sites?

Not applicable.

9. How were these audit schedules determined to ensure that oversight of the industry was sufficient to maintain a suitable level of compliance by the industry?

As explained above in our introductory explanation, EMF record checks are carried out as part of our ongoing spectrum assurance work and have been supplemented by sending letters to licensees to request EMF records. To date, we have not identified any instance where a licensee is in breach of the EMF limits in their licence for the protection of the general public. In view of this, we are content that the frequency of compliance checks is appropriate.

10. What percentage of the total EMF installations have been sampled during these audits - ie what is the sample size compared to the total possible number that could be sampled?

We currently have approximately 329,000 licences that include the EMF licence condition. To date, approximately 0.1% have been subject to compliance checks.

11. What criteria are used to determine what sites are sampled.

See our answer to question 10 above. Within a given licence type, licensees are selected at random to ensure that compliance checks are conducted across a range of licence holders and locations.

If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).