

Reference: 1839985

Information Requests
information.requests@ofcom.org.uk

12 August 2024

Freedom of Information request: Right to know request

Thank you for your request for information about licence and transmitter details in the range 3800 - 4200MHz.

We received this request on 17 June 2024 and we have considered your request under the Environmental Information Regulations 2004("the EIR").

Your request

A spreadsheet of every licence and their transmitter/receiver details for all assignments in the range 3800-4200MHz

Our response

We do hold information within the scope of your request and have attached a spreadsheet with most of this information.

The rest of the information we hold in scope, which is information on the Hutchison 3G UK assignments under the UK broadband licence and assignments to a small number of sites operated by foreign governments are being withheld as we consider that this is exempt from disclosure under the EIR for the reasons set out in the annex.

The EIR provides that a public authority may refuse to disclose environmental information requested to the extent, amongst other things, that its disclosure would adversely affect international relations, defence, national security or public safety (regulation 12(5)(a) of the EIR), and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Ofcom has considered your request in light of the relevant statutory scheme. We have also considered advice from HM Government as to the potential implications of disclosure of the location of mobile sites on national security matters. This is relevant as many of the Hutchison 3G UK assignments are co-located with its mobile network sites. HM Government has raised significant concerns with Ofcom about the release of such information on national security grounds and has advised that disclosure of the information would adversely affect national security. Further, in relation to the small number of assignments relating to sites operated by foreign governments we consider that that disclosing this information to the public would adversely affect international relations, defence and national security.

Taking this into account, Ofcom considers that regulation 12(5)(a) of the EIR is engaged; specifically, to information on the Hutchison 3G UK assignments under the UK broadband licence and assignments and to the small number of sites operated by foreign governments as this would adversely affect national security as well as international relations and defence in some cases.

In applying this exception, Ofcom has balanced the public interest in withholding the information against the public interest in disclosing it and decided that in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosure. In assessing this, under regulation 12(2), we have also applied a presumption in favour of disclosure. Annex A sets out the exception in full, as well as the factors we considered when deciding where the public interest lay.

We consider that other disclosure exemptions under the EIR may also be applicable here, in particular the exemption in Regulation 12(5)(e) of the EIR which relates to confidentiality of commercial information. For more information on this please see: [Commercial or industrial information \(regulation 12\(5\)\(e\)\) | ICO](#)

We hope this information is helpful. 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](#).

Annex A

Regulation 12(5)(a) of the Environmental Information Regulations 2004

The exception

Regulation 12(5)(a) of the Environmental Information Regulations 2004 provides that:

“...a public authority may refuse to disclose information to the extent that its disclosure would adversely affect

(a) international relations, defence, national security or public safety;...”

In this case, the above regulation is engaged because disclosure of this information would adversely affect national security.

The public interest test

Regulation 12(5)(a) is subject to the public interest test.

Key points:

Ofcom can refuse to disclose information under this exception only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in disclosing the information. In assessing this, under regulation 12(2), Ofcom must also apply a presumption in favour of disclosure.

In carrying out the public interest test, Ofcom should consider the arguments in favour of disclosing the information and those in favour of maintaining the exception, attaching the relative weight to each argument (for and against disclosure) to decide where the balance of public interest lies.

We have set out the matters Ofcom have considered in reaching its decision with respect to the public interest below.

| Factors for disclosure | Factors for withholding |
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| <ul style="list-style-type: none"> • Transparency: There is always a general public interest in transparency. The EIR implements EU Directive 2003/4/EC on public access to environmental information. Recital 1 of the preamble to the Directive states this public interest: <i>“Increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.”</i> | <p>HM Government has advised Ofcom that:</p> <ul style="list-style-type: none"> • Disclosure of information on mobile sites information raises significant concerns on national security grounds and would adversely affect national security. • Specifically, disclosure would create an increased threat to the UK’s Critical National Infrastructure (CNI). CNI is those critical elements of infrastructure (including assets, facilities, systems, networks or processes), the loss or compromise of which could result in major detrimental impact on the confidentiality, integrity, and availability of networks, or |

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| <ul style="list-style-type: none"> • Accountability: Mobile sites produce electromagnetic fields (EMF) or radio waves. At high enough levels, EMF can impact public health. As a result, the UK Health Security Agency (previously known as Public Health England (PHE)), an expert health body, <u>advises</u> that spectrum users should ensure that EMF levels comply with the internationally agreed levels in the <u>ICNIRP Guidelines</u>. Some individuals may have concerns about the potential health effects of EMF and want to know the location of any mobile site in their local area and whether the EMF levels from such mobile sites comply with the levels in the ICNIRP Guidelines. • Information already in the public domain: Some local planning authorities have published information on the location of mobile sites (including on proposed sites). Information on mobile site locations is also available on some open source websites and mobile network operators' (MNOs) websites may indicate the general location of some masts (as well as future roll-out plans). • The location of mobile sites and other technical data is published in some other countries including in Ireland and France.^[1] | <p>delivery of essential services (including those of the emergency services).</p> <ul style="list-style-type: none"> • Government has strong concerns about publishing the requested information and has advised that publishing mobile site information constitutes a security risk. • Government's concerns centre on four areas: <ol style="list-style-type: none"> 1. Espionage / sabotage: Publishing the requested information could enable an attacker to remotely survey which mobile sites would be of interest from an espionage, sabotage or disruption perspective. 2. Jamming: Publishing the requested information could enable the jamming of radio signals. 3. Physical security: Information relating to hub sites (mobile sites that act as their own radio coverage site and also serve to 'daisy chain' other sites), switch sites, and data centres would be of particular concern from a national security perspective. The physical security of hub sites will become even more important as features such as Mobile Edge Computing become widely available. • Government acknowledges that detailed technical information is not requested, making such an attack more difficult. However, site location provides the starting point for an attack to gain and build additional and more detailed information that may then make any subsequent attack more likely to succeed. • Government is also concerned that disclosure of information on mobile sites in specific cases or locations could set a precedent for disclosure in response to requests about other geographic areas, |
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| | <p>resulting in further aggregation of information on mobile sites.</p> <ul style="list-style-type: none">• Current open source options are of much more limited use to a potential attacker than the data being requested - the data set being requested has the potential to be more damaging due to both its granularity and authoritative status. <p>Taking into account the factors in favour of disclosure, we have also taken into account the following:</p> <ul style="list-style-type: none">• Some of the publicly available data (such as local planning data) has not been updated for several years and is likely to be inaccurate and incomplete. Further, MNOs' websites only provide general location information and do not disclose specific site locations.• There have been a significant number of attacks on mobile sites in recent years and publishing information on the location of sites risks further sites being attacked. Such attacks always have an adverse impact such as customers losing mobile signal and mobile operators incurring additional costs, the impact can be particularly serious if there is disruption to a hospital's communications systems. Such attacks can also cause physical harm to employees of mobile operators, emergency services personnel and the general public. <p>Further, a small number of assignments relate to sites operated by foreign governments. Ofcom has not published these online and considers that disclosing this information to the public would affect international relations defence and/or national security.</p> |
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Reasons why public interest favours withholding information

- The greater likelihood of the adverse effect, the greater the public interest in maintaining the exception. This is affected by how extensive the adverse effect is – in this case the adverse effect on national security has the potential to affect the security of the United Kingdom and its people, and the opportunity for the adverse effect to arise is ongoing.
- The impact of the adverse effect on national security also has the potential to harm the United Kingdom and its people and is therefore severe.
- Publicly available data does not disclose specific site locations or has not been updated for several years and is similarly likely to be inaccurate and incomplete.
- The security risk is also materially higher when all of the requested information is aggregated into a single user-friendly dataset and published.
- We have carefully considered whether the arguments around transparency and accountability may outweigh the arguments in favour of withholding the information. In doing so, we have taken into account the national security risks identified above as well as the high risk of attacks on mobile sites which can have significant adverse consequences, and the fact that the Mobile Network Operators have indicated that information recently released into the public domain is substantively out of date.
- On balance, the arguments against disclosure – including the likelihood and severity of the adverse effect on national security, and the increased threat to national security in respect of the requested information when compared to the information already in the public domain - carry greater weight than the arguments in favour of disclosure. Therefore, the public interest in maintaining the exception outweighs the public interest in disclosure.
- We also consider that the disclosure of the information relating to the small number of assignments relating to sites operated by foreign governments would adversely affect international relations, and also defence and/or national security. While we consider that there is a public interest in disclosing as that would enable transparency, we consider this interest does not outweigh the risk of affecting international relations, defence or security.

¹¹ <http://siteviewer.comreg.ie/#explore> (Ireland); <https://www.cartoradio.fr/index.html#/cartographie/stations> (France)