

Reference: 02173523

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

13 May 2026

### Freedom of Information request: Right to know request

Thank you for your request for information concerning escalation of suspected interference.

We received this request on 13 March 2026. We wrote to you on 13 April 2026 to say we needed more time to consider the public interest in withholding or disclosing the information and we have now concluded this. We have considered your request under the Freedom of Information Act 2000 (the 'FOI Act').

#### Your request & our response

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*I request disclosure under the Freedom of Information Act of any information held by Ofcom relating to:*

- *the escalation of suspected interference cases from mobile network operators or their contractors to Ofcom Spectrum Assurance*

We can confirm that we hold some information within scope of this question. However, we are unable to disclose this as we consider that this information is exempt from disclosure under section 36 of the FOI Act. In particular, section 36(2)(c) of the FOI Act provides that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information -

- Would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in Annex C to this letter. In Annex B of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

We also consider it is exempt from disclosure under Section 31(1)(a) of the FOI Act. This part of the act deals with information that, if disclosed would, or would be likely to, prejudice the prevention or detection of crime.

Section 31(1)(a) of the FOI Act is a qualified exemption which means that we have had to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider the public interest favours withholding the information. The attached Annex (Annex A) to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

- *procedures or guidance governing Spectrum Assurance investigations and field verification activities*
- *internal policies concerning observation of private property or contact with landowners, neighbours, contractors or other third parties during investigations*
- *documentation describing how Ofcom distinguishes between radio interference investigations and mobile network performance or utilisation anomalies*

We hold some information in scope of these three questions, however, we consider it to be exempt under section 36(2)(c) and section 31(1)(a) as explained above.

- *any guidance or documentation describing the interaction between Ofcom Spectrum Assurance teams and Ericsson (or other infrastructure vendors) in relation to sector utilisation anomalies or uplink traffic investigations*

We do not hold this information.

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](mailto: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**

**Section 31 (1) of the FOI Act provides that:**

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime;

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• Disclosure would promote general transparency with the public in relation to areas and stakeholders we regulate.</li> </ul>	<p>Ofcom operates under a criminal regime for its enforcement.</p> <ul style="list-style-type: none"> <li>• The information requested contains operational detail about how issues are identified, how cases are prioritised and progressed, and how compliance is assessed. Releasing this level of detail would risk showing others how our investigative activity works in practice. This could allow those seeking to avoid compliance to adapt their behaviour, test our thresholds, or time their actions to reduce the likelihood of enforcement. If published, this information could also be combined with other publicly available material to build a clearer picture of our investigative capability and decision-making. Over time, this would reduce the effectiveness of our investigations and undermine our ability to take timely and proportionate enforcement action.</li> </ul>

**Reasons why public interest favours withholding information**

- For the reasons set out above, we consider it appropriate to not release detailed operational investigative processes that could undermine enforcement activity, which would undermine Ofcom’s law-enforcement function to protect radio spectrum.
- Disclosing this information could cause harm and damage if disclosed. Those negative consequences would be prejudicial to the prevention or detection of crime and contrary to a strong public interest.
- We consider that, on balance, the public interest in withholding the requested information outweighs the public interest in disclosing the information.

## **Annex B**

Freedom of Information: Right to know request

### **Section 36 exemption**

The information we hold that falls within the scope of your request is being withheld as it falls under the exemption in section 36 of the Freedom of Information Act 2000 (the Act). I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section.

- In my reasonable opinion, disclosure of the information requested would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.

In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in Annex B the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned.

Date: 13 May 2026

Corporation Secretary

Annex C

**Section 36: Prejudice to effective conduct of public affairs**

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects.

In this case, it is considered that disclosure would:

- prejudice the effective conduct of public affairs, and
- The application of section 36 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• It provides transparency in the areas that Ofcom regulates.</li> </ul>	<ul style="list-style-type: none"> <li>• The internal policies, guidance and documentation relating to spectrum assurance investigations contain detailed information on the technicalities which Ofcom takes into consideration when carrying out investigations. By disclosing this information, people are able to know what the deciding factors are and be able to bypass regulatory restrictions. This will prejudice Ofcom’s effective conduct of public affairs and promote unlawful behaviour.</li> <li>• Ofcom has published various information setting out our approach to spectrum investigations and enforcement, which can be found on our website.</li> </ul>

**Reasons why the public interest favours withholding information**

- Ofcom is withholding the requested information. The public interest test has been applied based on disclosing information which would reveal internal guidance given to Ofcom employees regarding investigations.
- Whilst there may be some weight attached to the public interest in disclosure to enable the public to understand how Ofcom is carrying out its regulatory functions, we consider that prejudice would be caused by such a disclosure.