

Reference: 01483353

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15 August 2022

Freedom of Information: Right to know request

Thank you for your request for information about power levels and transmitters. We received this request on 18 July 2022 and have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

You asked:

Regarding my Freedom of information requested dated the 4th. November 2021 and your subsequent reply reference 01375819.

The following FOI requests are directly related to the above item.

- 1. Does Ofcom accept that the allocation power levels given to analogue transmitters should be based upon one set of rules.*
- 2. Are Ofcom still unable to supply the mathematical formula used at all sites across the UK.*
- 3. Does Ofcom still believe that medically sensitive equipment is located at St. Peter's Health Centre, Sparkenhoe Street. Leicester.*
- 4. Has Ofcom asked the Ministry of Health and the Ministry of Defence for details of sites, in the UK, which might house equipment that could be sensitive to AM or FM transmissions.*
- 5. Assuming that Ofcom accepts that $2 + 2 = 4$, why has the power allocation for the Leicester Community Radio 1449 AM transmitter been based upon, guess work or maybe a set of rules that appear to be discriminating against LCR.*

Our response

I can confirm that Ofcom holds some information in scope of your request and our response is detailed below.

1. As this question seeks the expression of an opinion it is not a request for information as defined in the FOI Act.
2. As previously provided in the response to case number 01375819, Ofcom does not hold this information.
3. Ofcom does not hold this information.
4. No.
5. This question appears to be rhetorical, and as such is not a request for information under the FOI Act. Information relating to a particular business is likely to fall under the exemption in section 44 of the FOI Act 2000. Under this section information is exempt from disclosure where disclosure is prohibited by section 393 of the Communications Act 2003. Section 44 is an absolute exemption under the FOI Act and does not require 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,

Katherine Childs

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF