

Reference: 1394838

Gloria Akinyemi
Information Rights Adviser
Information.requests@ofcom.org.uk

Dear

7 January 2022

Freedom of Information: Right to know request

Thank you for your request for information about East Sussex Fire & Rescue Pager Frequency.

We received this request on 7 December 2021 and have considered it under the Freedom of Information Act 2000 (“the Act”).

Your request

You asked: ‘I wish to obtain the frequency programmed into East Sussex Fire & Rescue Service multitone pagers. Upon contacting ESFRS they advised to contact Ofcom in order to gain the frequencies.’

Our response

The information you requested is being withheld as it falls under the exemption in section 38 (1) of the Act. This exemption deals with information that, if disclosed, would, or would be likely to put any individual in a situation that may cause them harm. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. Annex A below sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

I 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,

Gloria Akinyemi

Annex A

Section 38 of the Act –

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to –
- (a) endanger the physical or mental health of any individual, or
 - (b) endanger the safety of any individual.

Section 38 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Encourage transparency and public confidence in regulated activities 	<ul style="list-style-type: none"> • Disclosure could allow the frequency to be monitored, jammed, spoofed and therefore risk interference or delay to the fire and rescue services responding to a call. Therefore, there is an on-going risk that – <ul style="list-style-type: none"> - disclosure would endanger the physical or mental health, or the safety, of people, including vulnerable people. - disclosure of information could lead to sabotage and therefore there would be risks to the physical safety of emergency staff. - disclosure of Information could result in action intended to cause damage and /or cause death and serious injury.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> • In light of the nature of the harm that might potentially result from disclosure of the requested information, we consider that there is an overriding need to keep it confidential. 	

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