

Reference: 1444171

Gloria Akinyemi  
Information Rights Adviser  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

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## Freedom of Information: Right to know request

Thank you for your request for information about Ofcom's internal process document for when a complaint is formally received about wireless interference.

We received this request on 14 April 2022 and have considered it under the Freedom of Information Act 2000 ("the Act"). We notified you on 17 May 2022 that we were extending the timeframe for responding to this request, as we required further time to assess the information you required.

### Your request

You said:

*'I refer to your website page*

*<https://www.ofcom.org.uk/complaints/complain-about-wireless-interference>*

*Please could you provide a copy of your internal documented process (Document) for when a complaint is received about wireless interference for: 1. Interference to wireless devices at home 2. Interference to Amateur Radio 3. Interference to Business Radio 4. Interference to Hobby Radio 5. Illegal Broadcasting (Pirates) For each case, please document from initial complaint received to resolution. Please include the ability to give feedback and challenge.'*

### Our response

We are unable to disclose this information as we consider disclosure to be exempt under section 31(1)(a) of the Act, as its disclosure may prejudice the effective exercise of our functions to determine if a person has failed to comply with the law or if circumstances exist which would justify regulatory action in relation to cases of suspected interference. 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 to this letter 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](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely,

Gloria Akinyemi

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](mailto: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

**Annex A**

**Section 31 annex**

<p><b>Section 31 of the FOI Act states:</b></p> <p><i>“(1) 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...”</i></p>	
<p><b>Factors for disclosure</b></p> <ul style="list-style-type: none"> <li>• Disclosure would enable transparency in relation to Ofcom’s activities and give public confidence in Ofcom’s processes when receiving a complaint about illegal broadcasting.</li> </ul>	<p><b>Factors for withholding</b></p> <ul style="list-style-type: none"> <li>• Disclosure of detailed information about Ofcom’s processes for investigating complaints about illegal broadcasting may aid parties to determine any vulnerabilities in Ofcom’s processes or to avoid detection.</li> <li>• Disclosure of the information would lead to further requests about illegal broadcasting policy and allow parties to build up a database of knowledge and potentially assist criminal activity.</li> <li>• The operation of an unlicensed radio station, sometimes called ‘pirate radio,’ is illegal. Disclosure of this information may also encourage individuals/parties to create new illegal pirate stations.</li> <li>• Disclosure of information has the potential to compromise the measures established by Ofcom to protect against illegal broadcasting.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p> <p>We attach weight to the public interest factors favouring withholding disclosure. Disclosure of information related to illegal broadcasting may encourage individuals to participate in the creation and operation of pirate stations and we consider that it is in the public interest for this to be prevented. Additionally, illegal broadcasting has the potential to cause interference to legitimate broadcast radio stations and disrupt the vital communications of the safety of life services, particularly air traffic control. The consequences of illegal broadcasting and pirate radio stations operating erodes trust and confidence in Ofcom as a regulator and our ability to effectively carry out our functions.</p>	