

Reference: 1969746

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

3 April 2025

## Freedom of Information request: Right to know request

Thank you for your request for information about UK IEMs licences.

We received this request on 6 March 2025 and we have considered your request under the Environmental Information Regulations 2004 (the “EIR”) and the Freedom of Information Act 2000 (“the FOI Act”).

### Your request

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*Please could you tell me which businesses hold a UK IEMs licence, as a freedom of information request*

### Our response

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We have found that IEMs licences are held by around 1000 licensees. The information we obtain and hold on these licensees does not clearly indicate if a particular licensee is an individual, a company, organisation, business etc. To the extent the licensee is an individual, we consider that their name may be exempt from disclosure under Regulation 12(3) and 13 of the EIR given that this would be considered personal data.

To be able to identify which of the licensees are a company, organisation, business etc and therefore whose details would not be “personal data”, and we may be able to disclose, we would need to go through each licensee’s details and either make a judgement on whether a name might be an individual’s name or contact each of the ones that aren’t clear to check. We consider that this will be a disproportionate use of resources. Specifically, one of Ofcom’s technical experts would need to dedicate at least 24-27 hours to provide the requested information.

Consequently, we consider that we are not obliged to comply with the request under Regulation 12(4)(b) of the EIR which provides that we may refuse to disclose information to the extent that the request for information is manifestly unreasonable – this includes where dealing with the request would create unreasonable costs or diversion of resources. See this ICO guidance for more information: [When can we refuse a request for environmental information? | ICO](#)

In applying the disclosure exemption set out in regulation 12(4)(b) of the EIR, 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.

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,

Information Requests

## Annex A

### Regulation 12(4)(b) of the Environmental Information Regulations 2004

#### The exception

*Regulation 12(4)(b) of the Environmental Information Regulations 2004 – a public authority may refuse to disclose information to the extent that– (b) the request for information is manifestly unreasonable.*

The regulation is engaged because disclosure of this information is likely to cause a disproportionate cost or burden.

#### The public interest test

Regulation 12(4)(b) 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
<ul style="list-style-type: none"> <li>• <b>Transparency:</b> 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</i></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Manifestly unreasonable request:</b> Ofcom does hold the requested data however it would need to undertake significant checking and judgement exercise to determine which of this data relates to individuals. Personal data may be exempt from disclosure for the purposes of an EIR or FOI request.</li> <li>• We consider Regulation 13 might apply to some of the information which we hold. We note that due to the number of IEM licences it would take a significant amount of time to separate which licences are held</li> </ul>

*environmental decision-making and, eventually, to a better environment.”*

by businesses and which by individuals and may additionally involve a judgement call or further checking with the licence holder.

#### **Reasons why public interest favours withholding some of the requested information**

- For the reasons explained above, we consider it would be manifestly unreasonable to manually filter the data for the purposes of responding to this request and consequently the request is likely to cause a disproportionate cost or burden.
- We also note that providing the information may potentially disclose information that is exempt from disclosure under Regulation 13 of the EIR and we do not consider there might be a legitimate interest in doing this.

#### **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](#).