

Please ask for: Lynn Wyeth
Direct line: (0116) 454 1300
Email: info.requests@leicester.gov.uk
Website: www.leicester.gov.uk
Our ref: Appeal Ref: 17524/17578
Date: 01 February 2019



Mr Chris Higgs

Dear Mr Higgs

Freedom of Information Act 2000 (The Act, FOIA)

5G Rollout - What safety tests have you conducted?

Thank you for your email dated 19 January 2019 requesting a review into our response to your FOIA request (reference FOIA 17524).

I have now completed my internal review into this matter and my findings are outlined below:

Your original request for information (Our ref: FOIA 17524)

[On 11 January 2019, the Council received the following request from you:](#)

Please can you confirm what frequency and power output your 5G lamp post transmitters (specifically on Hughenden Drive and Aylestone Road) utilise?

Please can you confirm their purpose, and frequency of transmission?

Please can you confirm what safety tests of these specific frequency transmitters have been conducted either by yourselves, or your agents, prior to installation?

Please can you confirm what public consultation you carried out before rolling these out, considering the known health dangers posed by ALL electromagnetic radiation as confirmed by the World Health Organisation in their Group 2B classification (possibly carcinogenic)?

[The Council's response](#)

[The Council responded on 18 January 2019, advising that it does not have any 5G transmitters as part of its street lighting stock.](#)

[The response advised that it was informing you of this, as required by the provisions of Section 1\(1\) of the Act. The response also advised of further routes of appeal.](#)

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Information Governance & Risk, Legal Services,
4th Floor, City Hall, 115 Charles Street
Leicester, LE1 1FZ
www.leicester.gov.uk

Your request for internal review

On 19 January 2019, the Council received the following email from you:

Thank you for your reply.

Unfortunately, I believe that you may have been advised to provide false information in relation to your denial that Leicester City council have rolled out 5G infrastructure.

I advise that I have a background in telecommunications and transmitter technology, and can confirm that these LED streetlights are 'smart' equipped and fitted with radio transmitters and antennas on every corresponding lamp post.

Please can you confirm 1) The frequency used 2) The power output and 3) The purpose of these transmitters?

The Council has interpreted your written expression of dissatisfaction above as a request for internal review of its response to your request. Your request has been logged and acknowledged as such.

Before proceeding, it is worth clarifying that the Freedom of Information Act 2000 provides a right of access to information held by public authorities, subject to any exemptions or exceptions that may apply. It relates to recorded information and does not require the provision of views or opinions, or the answering of such questions posed. It is also not a route to make complaints about provision of services by the Council, as this can be undertaken by other means.

All disclosures are judged to be made to the wider world and not to a particular person for a specific purpose. All responses made under the Act are published on the Council's public FOIA Disclosure Log, located at:

<https://directory.leicester.gov.uk/foi-directory/>

The FOIA also requires the Council to advise requesters if it holds the requested information and if held, to provide it to them, subject to any exemptions (lawful reasons to withhold information under the FOIA) that may apply.

Technical issues-compliance with Part 1 of the FOIA

Your request for internal review was logged and acknowledged.

I have reviewed the Council's original response for compliance with the requirements of Part 1 of the FOIA, relating to the handling of requests for information.

I find that your request was received and appropriately acknowledged.

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I also find that a response was collated from the relevant Council department (The Public Lighting Group, part of the Planning, Development & Transportation Group).

The Council then responded within the statutory 20 working day period allowed, complying with the requirements of Section 10 of the FOIA.

The Council also provided information in its response regarding appropriate routes of further appeal, thus meeting the requirements of Section 17 of the FOIA.

In summary, my review of this aspect of the Council's original response concludes that the Council complied with the requirements of the FOIA.

Technical issues-compliance with Part 2 of the FOIA

I have also reviewed the Council's original response in line with the Council's obligations with the requirements of Part 2 of the FOIA and specifically the appropriateness of any exemptions to disclosure were applied to any part of the response.

I find that no exemptions were applied.

As part of my review, I contacted the service involved to gain clarification and they have confirmed the situation. The Council provides street lighting. It does not use 5G Transmitters.

My conclusion

If I do have a criticism of the response, it is that the requested information (relating to public street lighting) could fall under the provisions of the Environmental Information Regulations 2004 (EIR).

However, in this instance I find that this does not change the nature of the response as this complied clearly with Part 2 of EIR in respect of technical matters and no exceptions to disclosure (EIR equivalent of exemptions) from Part 3 of EIR were applied.

I find the Council's original response was compliant with the Councils legal obligations under Part 1 & 2 of the FOIA (and by default, with those of the EIR).

In summary, I find that the Council answered your questions asked appropriately. I do not find that my service (or anyone else) has provided you with false information.

I therefore uphold the Council's previous response.

You have now exhausted the Council's internal appeals system in this matter. Should you remain unhappy with the outcome of this internal review you may contact:

Information Commissioner's Office

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Yours sincerely

**Lynn Wyeth
Head of Information Governance & Risk**