

Reference: 1451219

Mr Thomas Jones  
[request-858215-53151902@whatdotheyknow.com](mailto:request-858215-53151902@whatdotheyknow.com)

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31 May 2022

Dear Mr Thomas

### Freedom of Information: Right to know request

Thank you for your request for information about action we have taken with regard to pirate radio stations outside of London.

We received this request on 3 May 2022 and have considered it under the Freedom of Information Act 2000 ("the Act").

#### You asked

*'Can you publish information regarding direct action (such as transmitter/studio seizure) on pirate radio stations outside of London for the years 2021-2022 (to date), including (if possible) the names of the stations involved and the amount of complaints about each station.'*

#### Our response

Below we provide the number of times we have taken direct action regarding a particular pirate radio station and the number of complaints we received for each of those pirate radio stations. This information relates to the period from January 2021 to May 2022. We have taken "direct action" to mean studio raids and radio seizures.

We are however unable to disclose the names of the pirate radio stations involved because we consider disclosure of these names is exempt under Section 31(1)(a) of the Act. That is, we consider that the disclosure of this information would or would be likely to prejudice crime prevention or detection. We consider that releasing this information would or would likely aid current operating pirate stations and advertise the operation of existing pirate stations.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. In Annex A, I have set out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lies.

Station	No of times we have taken Action	No of complaints
A	2	0
B	1	31
C	2	6
D	4	0
E	1	3
F	2	1
G	2	1
H	3	2
I	1	0
J	1	0
K	2	0
L	3	0
M	1	0
N	1	0

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

## Annex A

### Section 31(1) of the Act:

*“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;”*

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"><li>• Disclosure would enable transparency in relation to Ofcom’s enforcement activities and give public confidence in our ability to implement the relevant legislation around radio stations.</li></ul>	<ul style="list-style-type: none"><li>• The operation of an unlicensed radio station, sometimes called ‘pirate radio,’ is illegal.</li><li>• Disclosure of the names of the pirate radio stations that Ofcom has taken action against may aid the advertising of these pirate stations.</li><li>• Disclosure of this information may also encourage individuals/parties to investigate existing pirate stations or create new pirate stations.</li></ul>
Reasons why public interest favours withholding information	

- We attach weight to the public interest factors favouring withholding disclosure. Disclosure of information related to pirate radio stations we have taken action against may inadvertently advertise pirate radio stations and also 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, pirate stations have 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 new pirate stations operating erodes trust and confidence in Ofcom as a regulator and our ability to effectively carry out our functions.

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