

Reference: 1-279268924

23 February 2015

Mr A Haines
By email to:
request-252704-2035022e@whatdotheyknow.com

Information Requests
Secretariat

information.requests@ofcom.org.uk

Freedom of Information request

Dear Mr Haines

Thank you for your request for information about pirate radio in Wales. Your request was received on 8 February 2015.

You asked:

I would kindly request the following information regarding unlicensed pirate radio stations broadcasting in Wales from January 2007 until January 2015 under the freedom of information act.

Answers have been provided under each question below:

1. How many prosecutions against individuals have taken place between the specified dates?

None.

2. Out of the number of persons identified, how many have had multiple prosecutions?

Not applicable, as no prosecutions have taken place.

3. Please list the names of all the unlicensed broadcast stations you know of and the number of times enforcement action has been carried against each of them, including where no action was taken (e.g. the radio station left the air of its own accord before any action could be taken) clearly showing the method of enforcement used (i.e.: studio raid, main transmitter removal, mobile telephones disconnected, website domain name blocking etc.).

One operation was conducted against an illegal broadcast station operating in Cardiff. The name of the station is being withheld under s44 of the Act. Section 44 of the Act prevents

organisations releasing information if another Act has said that it shouldn't, such as the Communications Act 2003, or the Wireless Telegraphy Act 2006.

For further information on Section 44 of the Act, please see:

<http://www.legislation.gov.uk/ukpga/2000/36/section/44>.

This information is being withheld under Section 44 of the Act, in line with Section 38 (2) (c) (i) of the Wireless Telegraphy Act 2006. That is because releasing details about the stations, such as names or frequencies, could be seen to be facilitating their day-to-day operations.

Any enforcement action that may or may not have been taken against pirate radio broadcast stations is being withheld under Section 31 of the Act. The release of this information to the general public may prejudice Ofcom's ability to perform its ongoing regulatory functions, with the following purposes:

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,

For information on Section 31 of the Act, please see:

<http://www.legislation.gov.uk/ukpga/2000/36/section/31>

It is likely that other exemptions will apply.

4. How many enforcement visits have been as a result from information supplied from members of the public or licence paying broadcasters.

One.

5. Please supply a breakdown of costs for each case of enforcement action carried out.

This information is not held.

6. Please give details of any complaints or allegations made against Ofcom's staff in the enforcement section.

We can neither confirm nor deny whether we hold the information you requested, as to provide such information would fall under the exemption in section 40 of the Freedom of Information Act 2000. This exemption protects personal information from being released to the public and removes the need to confirm or deny that information is held. Further information on Section 40 can be found here:

<http://www.legislation.gov.uk/ukpga/2000/36/section/40>

7. Out of the unlicensed broadcast stations identified, if any have not had enforcement action against them please supply information as to why it hasn't taken place.

This information is also being withheld under Section 44 of the Act, in line with Section 111 of the Wireless Telegraphy Act 2006; Section 44 is an absolute exemption under the Act and does not require a public interest test.

8. How many reports of interference to safety of life services or aviation have been reported in Wales between the dates stated above, if any please state which authority reported it and if the interference was proven to be attributed to pirate radio? I would like to thank you for your prompt action in processing this request.

None.

If you have any further questions, or this was not the information you needed, please let us know and be as specific as possible to ensure that we are able to look into providing you with the information you require.

Please quote the reference number above in any future correspondence about this request, as this will help us to deal with your query more quickly.

Yours sincerely

Information Requests