

Reference: 01713112

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

20 November 2023

## Freedom of Information request: Right to know request

Thank you for your request for information concerning ICNIRP certificates for 5G mast planning permission. This request was received on 8 November 2023 and we have considered it under the Freedom of Information Act 2000.

### Your request & our response

- 1. Does the issuer of the ICNIRP certificate of compliance requisite in a 5G mast planning permission application submitted to a local council ( NPPF, 117), have to be on the OFCOM register of persons with powers under the electronic communications code ?*

There are [codes of practice in England and Wales](#), published by the Department for Digital, Culture, Media and Sport, which explain that mobile network operators (MNOs) are committed to compliance with internationally agreed levels of exposure to electromagnetic fields. These codes also require MNOs to sign a declaration (sometimes referred to as an “ICNIRP Certificate”) to self-certify that installations at a new site or changes to installations at an existing site comply with the public exposure levels in the ICNIRP Guidelines.

This planning process is not connected with either the Electronic Communications Code or with Ofcom. It is instead managed by local planning authorities. Further information on [Masts and planning](#) is available on our website.

While anyone applying for planning permission in relation to a 5G mast may also have Code powers, there is no requirement for them to do so.

- 2. What is the status of such an application if the applicant itself is not on said OFCOM register bearing in mind notice to agent is notice to principal and vice versa ?*

As above, the self-certification process of ICNIRP compliance is unconnected with the Electronic Communications Code.

I hope that this information was 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

## Information Requests

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