

Reference: 01742159

Information Requests
information.requests@ofcom.org.uk

23 January 2024

Freedom of Information request: Right to know request

Thank you for your follow-up request for information concerning SRN planning in Scotland (case # 01732239). Your request was received on 27 December 2023 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act') and the Environmental Information Regulations 2004 (the "EIR").

Your follow-up request

"1. A matching .csv data set of grid references for predicted NTS locations after the publicly-funded TNS masts are operational.

2. The total number of publicly-funded TNS masts expected in the each of the two areas : 'Highlands' and 'South'"

Our response

We note that Ofcom does hold some information regarding the Mobile Network Operators ("MNOs") indicative plans for locations and coverage rollout, which the MNOs were required to submit to Ofcom as part of the licence conditions associated with the Shared Rural Network (SRN) (the "2020 coverage obligations"¹). This information is in the form of an 'Initial Radio Plan', typically developed at the early stages of a coverage rollout plan to provide an initial indication of the kinds of locations and volumes of locations to be targeted to achieve a coverage objective. These plans are likely to be revised by the MNOs as additional, "on-the-ground", information informs their rollout strategies. We also note that the MNOs have themselves already provided public information on their [coverage improvement forecast](#), noting that such forecast "is subject to change as the programme progresses".

Regarding Question 1, we have assumed that the request for "NTS" locations was intended as "TNS" locations (Total Not Spots), correlating with the previously referenced request and subsequent disclosure of presumed TNS locations in Scotland for the purposes of the Shared Rural Network.² We are not able to supply this information. Doing so would require Ofcom to join different datasets (the 'Initial Radio Plan' and 'SRN baseline' datasets), and undertake significant data manipulation and new analysis. We also note that we do not hold up-to-date and complete TNS plans for all MNOs, and the data that we do hold has been supplied in different formats, requiring further analysis.

¹ <https://www.ofcom.org.uk/spectrum/information/cellular-coverage>

² See [Ofcom's response](#) of 22 December 2023, together with its accompanying annexes ([Annex 1](#) and [Annex 2](#)).

Consequently, we consider that regulation 12(4)(b) of the EIR is engaged because the costs involved in answering question 1 would be disproportionate. Specifically, one of Ofcom’s technical data analysis experts would need to dedicate at least 24-27 hours to provide the requested information, in addition to the c10 hours already spent on answering question 2.³

We consider that undertaking this further analysis would be manifestly unreasonable in a context where:

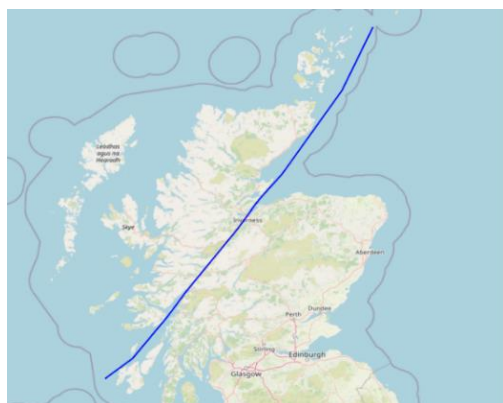
- i) this would unreasonably divert resources that would otherwise be engaged in preparations to assess MNOs compliance with the SRN coverage obligations that fall due at the end of June 2024;
- ii) the final information provided would be wholly provisional and indicative, and potentially misleading to the public at large since these may not prove to be the total not spots.

In applying the exception 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.

We have considered whether question 1 could be refined to make it more manageable and, therefore, not manifestly unreasonable, for instance by focussing on a specific location or requesting information at a different level of granularity. We have concluded that this would unfortunately require similar or more data analysis steps. However, as set out below, we have undertaken analysis to answer your second question.

Regarding Question 2, we have undertaken this analysis based on the most recent iteration of the Initial Radio Plans we hold (September 2023). We have only been able to undertake this analysis based on information from 2 MNOs (based on the data held at the time of the request). However, given the nature of the SRN, we consider it reasonable to assume that this result is likely to be representative. This analysis indicates that 274 sites are planned to be located in the TNS locations provided in Scotland. Of these, 150 sites are located in the area we previously defined as ‘Highland’ and 124 are located in the area defined as ‘South’. For ease of understanding, and because the Highland area does not link directly to other definitions, we are providing a visualisation of this split below.

Image of split in our prior analysis between ‘Highlands’ (north of blue line) and ‘South’ (below)



³ We also note, for completeness, that Ofcom spent approximately 5 hours to answer your previous request about the SRN planning in Scotland, which we answered on 22 December 2023.

If you have any further queries, then please send them to 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

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

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">• Transparency: 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 environmental decision-making and, eventually, to a better environment.”</i>• Accountability: As part of the Shared Rural Network programme, the MNOs have given certain coverage commitments which have been written into their spectrum licences in the form of coverage obligations (the “2020 coverage obligations”).⁴ Some individuals may want to know what locations might remain without coverage after the MNOs have delivered their plans, and by inference what other locations the MNOs are likely to bring into their coverage footprint as a result of extending their mobile coverage to comply with the 2020 coverage obligations.	<ul style="list-style-type: none">• Manifestly unreasonable request: Ofcom does not hold the requested data as an existing file, and would need to undertake significant data manipulation and processing to produce the requested outputs, particularly with regard to the Total Not Spot predictions with associated National Grid References. This work would need to be undertaken by employees who are otherwise tasked with preparing aspects of Ofcom’s approach for verifying the MNOs’ compliance with the coverage obligations. As we are approaching the “Initial Coverage Deadline” (30 June 2024), diverting resources to other tasks for a significant number of days would negatively impact Ofcom’s process for verifying compliance.• Information already in the public domain: The MNOs delivery body for the Shared Rural Network, called DMSL, has already published a high level map of where they expect coverage to be improved and not spots to remain as a result of the Shared Rural Network programme• Potentially misleading information: The data requested is based only on an indicative plan, with outcomes unlikely to come to fruition in reality, especially at the level of granularity at which the data is held. Consequently, releasing the data may create the (false) impression in some communities that they will or will not be provided with coverage, and may cause them to take action on this impression, when that might not ultimately prove to be the case.

⁴ <https://www.ofcom.org.uk/spectrum/information/cellular-coverage>

Reasons why public interest favours withholding some of the requested information

- On 22 December 2023, Ofcom responded to a previous information request by providing a pixel list indicating the Total Not Spots in Scotland that are in scope in the baseline for the SRN programme. Ofcom has now undertaken further analysis to indicate the number of sites the MNOs have most recently indicated they expect to deploy in such locations as part of the SRN programme, and is making this information available (in response to question 2).
- Having considered the additional request for Ofcom to provide further information on the Total Not Spots forecast to remain at the end of the SRN programme, we consider that in the current context the request is manifestly unreasonable.
- This is because Ofcom does not hold data in the form requested, and whilst Ofcom believes that it would be possible to constitute this information from the data it holds, this would require such significant data manipulation, at a time when these data analysis resources are needed for other important work (including preparatory work for verifying compliance with the coverage obligations that will fall due on 30 June 2024), that the request is likely to cause a disproportionate cost or burden.
- We have considered whether the request could be reframed in a more manageable way, for instance by focussing only on relevant areas, or requesting information at a lower level of granularity. However, to produce such extracts is likely to involve the same, or more data manipulation.
- We also note that the information may potentially mislead communities and that the MNOs have already provided a higher level map, which is publicly available at <https://srn.org.uk/forecast-coverage-improvements/>.

Regulation 12(4)(b) exception

I have delegated authority from the Ofcom Board to make decisions in relation to Ofcom's obligations under the Environmental Information Regulations 2004 (EIR).

For the reasons set out above, in my opinion, the request is manifestly unreasonable because the disclosure of the information requested is likely to cause a disproportionate cost or burden. Regulation 12(4)(b) of the EIR therefore applies.

In applying this exception, I have balanced the public interest in withholding the information against the public interest in disclosing the information. I have set out above the factors I considered when deciding where the public interest lies.

I have decided that 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, I have applied a presumption in favour of disclosure.

Disclosure of the information requested is therefore refused under regulation 12(4)(b) of the EIR.

If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Signed:

David Willis

Group Director, Spectrum

Date: 23 January 2024