

You may not be aware that one of the main policy drivers behind the limited application of the Act to public service broadcasters was to protect freedom of expression and the rights of the media under Article 10 European Convention on Human Rights (“ECHR”). The BBC, as a media organisation, is under a duty to impart information and ideas on all matters of public interest and the importance of this function has been recognised by the European Court of Human Rights. Maintaining our editorial independence is a crucial factor in enabling the media to fulfil this function.

The Information Commissioner’s Office has recognised the importance of Schedule 1 of the Act in protecting the independence of the media, stating that:

“It is the Commissioner’s view that the ultimate purpose of the derogation (Schedule 1) is to protect journalistic, artistic and literary integrity by carving out a creative and journalistic space for programme makers to produce programmes free from the interference and scrutiny of the public.”¹

The BBC agrees with this interpretation and believes that we have a need to protect our journalistic and editorial independence by maintaining just such a private space in which to produce our content. .

The decision as to which reporters or correspondents, and indeed how many of such staff to send on a particular story, is one of the most fundamental editorial decisions that Newsgathering undertakes. Despite the BBC’s obligation to be independent and impartial, many bodies, groups and individuals attempt to influence our output and programme makers across the BBC must be able to resist pressure directed at the editorial decisions made on resource allocation.

The BBC maintains that these decisions are part of the editorial space which lies at the heart of maintaining our independence, as well as being central to the application of Schedule 1 as outlined by the ICO. The release of the amounts spent covering individual stories under the Freedom of Information Act would bring to bear additional and unnecessary pressure on the programme makers.

I hope this provides you with some understanding of why this is an important concern for the BBC.

For your information, the ICO has agreed in a recent case with the BBC’s interpretation that information pertaining to the cost of coverage of a news item falls outside the scope of the Act, stating that:

... I agree with the BBC that the decision as to how many reporters to send and the resources to be allocated to a given story is an editorial decision...(and) that the dominant purpose for which the information is held is journalism.

¹ ICO Reference: FAC0070848

Appeal Rights

If you are not satisfied with this response you have the right to appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see www.informationcommissioner.gov.uk

Yours sincerely

Stephanie Harris
Head of Accountability, BBC News