

had been done to ensure that members of the public will not be harmed by any use of these in their operation. '

I have addressed your question regarding risk assessments in my answer to question 1.

In relation to the remainder of this question, I can confirm that we do hold the information that you have requested. However, I am withholding this information under sections 31(1)(a),(b),(d) and (g) and (2)(a) of the Act which relate to law enforcement (specifically, on the grounds that disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC's ability to discharge its public functions in respect of such matters).

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section '*Why information has been withheld*' below.

3. '*I question also, what authority you have to point such devices at me or my property or anyone else's without permission, nothing justifies intrusion by any means for any purpose, possibly breaking Human Rights.*'

I can advise that TV Licensing's use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 (RIPA) and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 (the Order). RIPA and the Order outline how the relevant investigatory powers are used by the BBC and ensure compliance with human rights. Both pieces of legislation are available online on the Office of Public Information website: <http://www.opsi.gov.uk/>.

Why information has been withheld

I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately, i.e. that people will not be unfairly subjected to detection;
2. ensuring that public funds are being appropriately applied, and specifically that:
 - a. the TV Licensing system is being efficiently run; and
 - b. value for money is being obtained.

I consider that the above public interest factors in favour of disclosure are already served by the following:

1. The use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001, as confirmed above.
2. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. NAO's most recent audit is published at www.nao.org.uk.
3. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over from the Home Office, to 3.6% for the financial year 07/08. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see www.bbc.co.uk) and the TV Licensing Annual Review (see www.tvlicensing.co.uk). A key part of this success has been the use of detection as a significant deterrent element.

In addition, the following factor is in favour of withholding the information:

The BBC has a duty to enforce the television licensing system and it is essential that effective deterrents against evasion are maintained for this purpose. Without an effective deterrent, evasion would invariably increase. This would be to the detriment of the honest majority of people who are properly licensed and to the overall amount of revenue available to the BBC. It would also increase detection costs.

In this instance, there is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Appeal Rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can 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 <http://www.ico.gov.uk/>

Kind Regards

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