



Information Policy & Compliance
bbc.co.uk/foi

Ganesh Sittampalam

Via email: request-18004-exxxxxxx@xxxxxxxxxxxxxxxxxxx

12 October 2009

Dear Mr Sittampalam,

Request for Information – RFI20091304

Thank you for your request of 14 September 2009 under the Freedom of Information Act 2000 seeking the following information:

The ICO is considering a complaint from January 2009 about your application of the s43 exemption to a request that is summarised as "Agreements, contracts and arrangements between BBC and any organisation contracted by the BBC using generic name 'TV licensing'".

Please supply a copy of all correspondence to and from the requestor about this request. I recognise that you will need to redact personal information.

Having conducted a search for requests which have been referred to the Information Commissioner involving the application of Section 43 and TV Licensing contracts, we have identified Information Commissioner case reference FS50215409, our reference IC2008050. We have identified no other Information Commissioner cases matching these criteria. IC2008050 relates to our original RFI number RFI20080647, which was subsequently subject to an internal review – ref IR2008026.

Please find attached three disclosure documents as follows:

- Disclosure document 1 - correspondence held which was sent to or received from the requestor in relation to Request for Information - RFI20080647
- Disclosure document 2 - correspondence held which was sent to or received from the requestor in relation to Internal Review – IR2008026
- Disclosure document 3 - correspondence held which was sent to or received from the requestor in relation to Information Commissioner case – IC2008050 (their ref FS50215409)



Please note that I have been unable to locate a copy of the original request for RFI20080647 but you will note that this is quoted in our response.

As you anticipated, I have redacted the name and contact details of the requestor because this constitutes personal information which could lead to the requestor being identified. Personal information about living individuals is exempt Section 40(2) of the Freedom of Information Act if disclosure to a third party would breach one or more principles of the Data Protection Act 1998. As individuals who submit FOI requests to the BBC do not expect their identities and personal details to be disclosed to other requestors, to do so would be unfair; therefore, disclosure would breach the First Data Protection Principle, fairness. Where data has been redacted under this exemption the removed text has been manually marked 'S40' (referring to the fact the data has been redacted as exempt under section 40).

I have also attached as disclosure document 4, an additional piece of correspondence in the form of a letter sent from the ICO to the BBC on January 7th 2009. Whilst this document does not fall within the scope of your request because it does not constitute correspondence sent to or from the requestor, I have included this document as it is the latest correspondence held by the BBC on this matter. Essentially this confirms that the ICO has received a further complaint from the requestor on a different aspect of the handling of this FOI request and has assessed that the complaint is eligible for the ICO to decide whether the BBC has dealt with the request in accordance with the Act. It appears that the case is currently with the ICO, awaiting allocation of a case officer. Please note that in all cases where text has been redacted from this document, the text in question is the name of the requestor.

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

Louise Wright
Advisor, Information Policy & Compliance