

Louise Wright

From: casework@ico.gsi.gov.uk
Sent: 07 January 2009 11:08
To: FOI Enquiries
Subject: New FOI complaint involving a request from S. 40 [Ref. FS50228493]

7th January 2009

Case Reference Number FS50228493

BBC refs: RFI20080647 & RFI20081170 & IR2008026

Dear Mr Leaton Gray

**Freedom of Information Act
Complaint from (S. 40)**

The Information Commissioner has received a complaint from (S. 40)

This complaint relates to a request (S. 40) first submitted on 13 June 2008. Although the BBC initially refused to comply with this request on the basis of section 12 of the Act, this decision was overturned at internal review and on 28 August 2008 the BBC informed (S. 40) that it would re-consider whether the information he requested should be disclosed.

On 17 November 2008 the BBC informed (S. 40) that it concluded that the information requested on 13 June 2008 was exempt from disclosure by virtue of section 43 (2) of the Act. However, the BBC invited (S. 40) to request an internal review of this decision should he be unhappy with the refusal of his request. (S. 40) requested such a review on 23 November 2008.

(S. 40) has provided the ICO with a copy of an email the BBC sent him on 30 December 2008 in which the BBC explained that they now consider this matter to be closed and he should contact the ICO if he disagreed with the BBC's refusal to disclose the information he requested on the basis of section 43(2).

(S. 40) has alleged that the information he requested has been unreasonably refused.

We have carried out an initial assessment of this case and deemed it eligible for formal consideration under the Act.

The case will be allocated to a case officer who will contact you with further details of the complaint.

Where information has been withheld because you (the Public Authority) have applied one of the exemptions in Part 2 of the Act, the case officer will need to have a copy of the information to judge whether or not any exemptions have been properly applied. We would ask that you send us a copy of the information that has been withheld from the complainant where you are able to do so, being specific about which exemptions apply to each piece of information.

12/10/2009

It is also important to note that wherever possible we will look for information to be disclosed, therefore, it is in your interests to also provide us with your reasoning when applying an exemption.

Although we request the exempt information to be sent to us now, we would stress that until you hear from the case officer you are not required to take any specific action in regards to the complaint. We also emphasise that although we have assessed the complaint as being eligible for the Information Commissioner to decide whether a public authority has dealt with a request for information in accordance with Part I of the Act, no specific decision has been made as to the individual merits of the complaint at this time.

Should you have any specific concerns, please contact our Helpline on 08456 30 60 60, or 01625 54 57 45 if you would prefer to call a 'national rate' number.

Yours sincerely,
Jonathan Slee

Sent on behalf of
Mr Paul Arnold
Head of Customer Service
FOI Case Reception Unit
The Information Commissioner's Office

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