

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.”²

The BBC agrees that we have the right to protect our journalistic and editorial independence by maintaining just such a private space in which to produce our content. This extends to the sifting and review of praise and criticism from audiences, which is important part of the BBC’s process of creating and improving programmes. Despite the BBC’s obligation to be independent and impartial, many bodies, groups and individuals attempt to influence our output. This pressure takes many forms and has to be resisted by programme makers across the BBC.

If the BBC and other public broadcasters were obliged to disclose audience feedback, this would damage our independence by impeding the ability of the programme maker to weigh complaints, praise and other comments alongside other elements of feedback on a programme as would his/her ability to come to their own journalistic judgement without public scrutiny.

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 with the BBC’s interpretation that information pertaining to audience feedback falls outside the scope of the Act, stating that:

‘...fundamentally the complaints are about, and intended to influence, content. Despite other applications complaints information is intrinsically linked with the creative purposes for which the BBC was established.’

² 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

Kind regards,

Lynne Connolly
Cross Genre Project Manager
BBC Vision

Freedom of Information

From January 2005 the Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Act also sets out exemptions from that right and places a number of obligations on public authorities. The term “public authority” is defined in the Act; it includes all public bodies and government departments in the UK. The BBC, Channel 4 and S4C are the only broadcasters covered by the Act.

Application to the BBC

The BBC has a long tradition of making information available and accessible. It seeks to be open and accountable and already provides the public with a great deal of information about its activities. BBC Information operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website bbc.co.uk provides an extensive online information resource.

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The Act does not apply to the BBC in the way it does to most public authorities in one significant respect. It recognises the different position of the BBC (as well as Channel 4 and S4C) by saying that it covers information “held for purposes other than those of journalism, art or literature”. This means the Act does not apply to information held for the purposes of creating the BBC’s output (TV, radio, online etc), or information that supports and is closely associated with these creative activities.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact [BBC Information](#).

The Act does apply to all of the other information we hold about the management and running of the BBC.

The BBC

The BBC's aim is to enrich people's lives with great programmes and services that inform, educate and entertain. It broadcasts radio and television programmes on analogue and digital services in the UK. It delivers interactive services across the web, television and mobile devices. The BBC's online service is Europe's most widely visited content site. Across the world, the BBC broadcasts radio programmes in 33 languages on the BBC World Service and the 24 hour television service, BBC World.

The BBC's remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the BBC Trust to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament. The Trust is supported by a network of advisory bodies across the UK.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. The BBC is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.