



Information Policy & Compliance
bbc.co.uk/foi

Via e-mail rexxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxx.xxm

17th November 2009

Dear Leigh

RFI20091536 - Freedom of Information request

Thank you for your request of 6th November 2009 under the Freedom of Information Act 2000 seeking the following information:

"I am seeking information on the Beatles week which ran from 5 – 11 September of this year. I am particularly interested in the viewing figures and which particular programme received the highest ratings, I would like information from both the radio and TV programmes. I am especially interested in the programmes that run at the same time as X-factor on the Saturday. I am looking to write a project about the popularity of the Beatles in 2009, in conjunction with all these 'talent' shows, and whether due to these more people are tuning into the radio, like me."

The audience figures you have requested are excluded from the Act because they are held for the purposes of 'journalism, art or literature.' The BBC is therefore not obliged to provide this information to you and will not be doing so on this occasion. Part VI of Schedule 1 to FOIA provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for 'purposes other than those of journalism, art or literature'. The BBC is not required to supply information held for the purposes of creating the BBC's output or information that supports and is closely associated with these creative activities.¹

You may be interested to note that the Information Commissioner's Office has considered a similar request² about audience figures and in that case agreed with the BBC that this type of information is not covered by the Act.

¹ For more information about how the Act applies to the BBC please see the enclosure at the end of this letter. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

² Reference FS50193785 – see http://www.ico.gov.uk/upload/documents/decisionnotices/2009/fs_50193785.pdf



The Commissioner accepted that audience figures have a role to play in the creative process and may impact upon decisions taken by programme makers and staff responsible for scheduling the BBC's broadcast output. A key part of the BBC's work is obtaining feedback on its services, reflecting on that feedback, and making informed decisions about the quality of the services provided and how to improve those services. Audience figure information is one way that the BBC measures an audience's reaction to a programme and, whether alone or combined with other feedback, this is then used to inform decisions about programme making. This may include decisions about scheduling as well as future programme content. The Commissioner therefore considers that audience figures are held by the BBC for the purposes of journalism, art or literature, and that this type of information is therefore not covered by the Act.

Radio listener figures are provided to the BBC by Radio Joint Audience Research Limited ("RAJAR"). If you wish to know how many people listen to a station, and how long they spend listening, then you can access this free of charge via the RAJAR website - www.rajar.co.uk/. However for more detailed information, such as audience per show or per demographic, you would need to be a subscriber.

Television viewing figures are provided to the BBC by the Broadcasters' Audience Research Board (BARB). Again, some summary figures are available free of charge, via the BARB website, www.barb.co.uk, but for more detailed information you need to be a subscriber. Our agreement with BARB stipulates that the data is used for our own internal purposes, should be treated as confidential, and should not be disclosed to any person; to do so would put us in breach of this agreement. In addition, were such information to be disclosed by the BBC (or any other subscriber) free of charge, this would jeopardise the funding model on which BARB operates.

Appeal Rights

The BBC does not offer an internal review when the information requested is not covered by the Act. If you disagree with our decision you can appeal to the Information Commissioner. Contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF telephone 01625 545 700. <http://www.ico.gov.uk>

Yours sincerely,

Jo Hamilton
Head of Audience Measurement

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 32 languages on the BBC World Service and the 24 hour television service, BBC World News.

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. All BBC output in the UK 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.