



Information Policy & Compliance

bbc.co.uk/foi

Mr Alfred Hermida

By email: request-278-d7ede078@whatdotheyknow.com

9 May 2008

Dear Mr Hermida

Freedom of Information request – FRI20080442

Thank you for your request of 24 April 2008 under the Freedom of Information Act 2000 (“the Act”) seeking the following information:

“Could you please tell me how much the BBC has spent on the development and launch of its BBC Blogging Network.”

In answer to your request:

The BBC’s blog network on bbc.co.uk was developed and launched using both external resources and BBC internal resources, and costs were incurred in respect of both.

The BBC and the other public service broadcasters are covered by the Act only in respect of information held for purposes “other than those of journalism, art or literature” (Schedule 1, Part VI of the Act). This means that the BBC is not obliged to supply information held for the purposes of creating output or which is closely associated with such creative activities. The BBC considers that this includes information about the costs involved in creating its output, including its blog network.

The BBC considers that the information you have requested is outside of the scope of the Act and we are, therefore, not obliged to disclose this information.

Even if the information were to be covered by the Act, the BBC considers that the information would be exempt from disclosure, for the reasons set out below.



External resources

In respect of the external resources the BBC considers that the information you have requested would, additionally, be exempt from disclosure under section 43(2) of the Act because to disclose would be likely to prejudice the commercial interests of the BBC and/or third parties.

Disclosing the fee paid by the BBC to the external supplier will have the effect of providing the BBC's competitors with valuable pricing information. This disclosure of information could have the effect of distorting the market for external software suppliers, increasing the likelihood of the BBC's competitors coordinating their bids against the BBC for those contracts. Furthermore, disclosure may also result in a ratchet effect among bids from external software suppliers themselves. Since these companies will know that a minimum level of funds was paid for a particular type of software or service, they would have an incentive to coordinate their prices and only accept bids beyond that level, whereas they may previously have accepted a fee below that level.

Disclosure would also be likely to prejudice the commercial interests of the external software supplier.

In reaching the decision to withhold information under section 43(2), the BBC has considered the public interest factors in this case in accordance with section 2(2) of the Act, specifically, whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In favour of disclosure, the BBC recognises that there is a public interest in transparency in the accountability of the BBC for public funds and in demonstrating that the BBC is using public money effectively and obtaining value for money when purchasing goods and services; that the BBC's relations and negotiations with external software suppliers are conducted in an open and honest way; and that external software suppliers are well-placed to respond to opportunities with the BBC.

In favour of the public interest in withholding the information, we took into account: firstly, that the BBC is able to provide quality and value for money in respect of its use of the licence fee. The BBC's ability to do this is dependent upon maintaining a strong bargaining position during contractual negotiations with suppliers, and this may be seriously undermined by releasing information of the type you have requested; secondly, that companies continue to provide the BBC with commercially sensitive information, so that the BBC is able to make robust decisions regarding its purchases of software and services, and obtains the best value for money from each transaction, and; thirdly, that the competitive position of companies in their particular market is not disadvantaged by doing business with the BBC. It would not be in the public interest to disclose sensitive information about a particular company if that information would be likely to be used by competitors to gain a competitive advantage.

The BBC considers, therefore, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Internal BBC resources

In respect of the internal BBC resources and associated costs, this was undertaken by multiple parts of the BBC and we estimate that it would take more than two and a half days to collect the information you have requested. Under section 12 of the Act, we are allowed to refuse to handle a request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and half days work at an hourly rate of £25).

Appeal Rights

The BBC does not offer an internal review when the information requested is not covered by the Act. However, if you are not satisfied with our response, you do 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

In the event of a finding by the Information Commissioner that the Act does apply in this case, should you then wish, the BBC is prepared to undertake an internal review of our decision on the application of section 43 and section 12 to the information you have requested.

Yours sincerely

L. Stiller
Legal and Business Affairs Manager
BBC Future Media & Technology