



Information Policy & Compliance
bbc.co.uk/foi

Gordon Charles
Request-28042-9b110a95@whatdotheyknow.com

29th January 2010

Dear Mr Charles,

Freedom of Information request – RF120100136

Thank you for your request to the BBC of 28th January, seeking the following information under the Freedom of Information Act 2000:

Which programmes are used exclusively to broadcast both jazz and big band on radio and television.

1. Please tell me how much money is spent on jazz programming on national radio by the BBC and what percentage of total BBC budget this is.

2. Please tell me how many hours of jazz programming are broadcast on national radio and separately on local radio.

3. Please tell me how much money is spent on big band programming on national radio by the BBC and what percentage of total BBC budget this is.

4. Please tell me how many hours of big band programming are broadcast on national radio and separately on local radio.

The information you have requested is excluded from the Act because it is 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 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.

That said, the BBC makes a huge range of information available about our programmes and content on bbc.co.uk. We also proactively publish information covered by the Act on our publication scheme and regularly handle requests for information under the Act.

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>

Please note that should the Information Commissioner’s Office decide that the Act does cover this information, exemptions under the Act might then apply.

Yours sincerely,

Chris Burns
Group Manager Audio & Music

¹ For more information about how the Act applies to the BBC please see www.bbc.co.uk/foi Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.