



Information Policy & Compliance

bbc.co.uk/foi

G Rooks

Email: request-28710-099a41d9@whatdotheyknow.com

11th February 2010

Dear G Rooks,

Freedom of Information request – RFI20100213

Thank you for your request to the BBC of 10th March 2010, seeking the following information under the Freedom of Information Act 2000 ("the Act"):

Regarding your recent published news article, concerning the amount spent, a figure quoted at £229 million.

However, you the bbc have refused to comment on individual stars claiming it is a commercially confidential matter.

How can this be of a commercial matter, when you are a public body and answerable to the public Therefore in reference to the royal charter of the bbc, and i draw your attention to subsection's (a)(c)(d) and (f) of section 23 the General duties set out below, which i am claiming as my authority, special attention is drawn to subsection (f) ensure that the BBC observes high standards of openness and transparency.

As I tax payer and licence fee payer, again i must remind you that the bbc is publicly owned, i request that under the freedom of information act, you make known to me the amounts paid to individual stars.

As disclosed, the amount paid to talent in the financial year 2008/09 was £229m (6.56% of the Licence Fee). The total amounts paid to talent will continue to be disclosed on an annual basis in the BBC's Annual report and accounts. However, please note that, although the BBC has chosen to publish the total figure, information about payments to talent is not covered by the Act.

This information is excluded from the Act because it is held for the purposes of 'journalism, art or literature.' 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”¹. The BBC is not required by the Act 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.

You may be interested to know that the High Court has upheld the decision that information relating to presenters’ remuneration is outside of the scope of the Act and you can find details of the judgement at http://www.ico.gov.uk/upload/documents/decisionnotices/2009/fs_50202422.pdf

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,

Lynne Connolly
Cross Genre Project Manager
BBC Vision

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.

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.