



Information Policy & Compliance
bbc.co.uk/foi

Sarah Goldsmith
By email to request-29173-xxxxxxxx@xxxxxxxxxxxxxxxxxxm

16th March 2010

Dear Ms Goldsmith,

Freedom of Information Act 2000 – RFI20100250

Thank you for your request under the Freedom of Information Act ('the Act') of 17th February 2010, seeking the following information:

“the EXACT NUMBER OF TIMES you have been made aware that you are in breach of the Treason & Felony Act, 1848”

You assert that the BBC is committing an offence under this Act by receiving funding from the EU.

We do not consider that the BBC is in breach of the Treason & Felony Act, for reasons set out below; therefore, we have considered your request as being for the number of times the BBC has received allegations that it is in breach of this Act.

The BBC does not have any loan facilities with the European Union. BBC Worldwide, one of the BBC's commercial subsidiaries, has used the EU's European Investment Bank's loan facilities. Although the BBC's commercial subsidiaries are not subject to the Act (see section 6(1)(b)(ii) of the Act), I can confirm, outside the scope of the Act, that this EIB facility was used so that BBC Worldwide could purchase the rights to audio-visual output already commissioned by the BBC, which could then be sold to global commercial markets. BBC Worldwide used the EIB loan rather than its own commercial borrowing facility because the lower cost meant they could generate slightly higher commercial returns, which would benefit licence fee payers.

The agreement with the EIR does not include instructions about how BBC Worldwide can apply the loan or how it should be invested. The loan does not carry any editorial obligation and it has no impact whatsoever on the BBC's output.



I estimate that to deal with your request would take more than two and a half days; under section 12 of the Act, we are allowed to refuse to handle the 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 a half days work, at an hourly rate of £25). Members of the public can contact the BBC and its staff in various ways, and in order to carry out an exhaustive search for the information you have requested, it would be necessary to ask all BBC staff, of which there are over 20,000, to search all of their records, particularly given that you have not specified a date range in your request.

I have however, carried out a search for records in the following areas, which are most likely to hold information of the type you request.

- BBC Litigation – this department deals with any legal action taken against the BBC. The Litigation department does not have any records of action taken against the BBC under the Treason & Felony Act of 1848.
- BBC Information – the general correspondence unit which deals with the majority of correspondence from the public to the BBC. They hold records of 317 contacts from members of the public in which it is alleged that the BBC is in breach of the Treason Act.
- The BBC Trust Unit – this team receives correspondence from members of the public addressed to the BBC Trust. They have confirmed that whilst they have received letters alleging that the Treason Act has been breached, these are passed directly to BBC Information and so these are included in the figures above for BBC Information.
- TV Licensing Complaints Unit – this team deals with complaints that are related to the TV Licence fee. They hold records of ten contacts from members of the public in which it is alleged that the BBC is in breach of the Treason Act.

Appeal Rights

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can 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 <http://www.ico.gov.uk/>

Yours sincerely,

Rachel Hallett
BBC Information Policy & Compliance