



Information Policy & Compliance
bbc.co.uk/foi

Steve Elibank
By email to: Steve Elibank [request-32855-8dd98511@whatdotheyknow.com]

17 May 2010

Dear Mr Elibank

Freedom of Information Act 2000 – reference number RFI20100543

Thank you for your request under the Freedom of Information Act ('the Act') of 16 April 2010. You requested:

"Please inform me of the number of domain names other than www.bbc.co.uk that the BBC operates, and give me a list of such, including "in-programme" ones such as www.geocomtex.net"

In response, in accordance with section 1(1) of the Act, the BBC confirms that it holds information that falls within the scope of your request.

Many of the domain names operated are related to programmes and services and are therefore not covered by the Act. This is because 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" (see Schedule 1, Part VI of the Act)¹. We are not obliged 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.

However, we are happy to provide the names of live programme/services websites to you voluntarily and we trust you find this information useful. Please find attached the list of names. Please note we have omitted some domain names covering forthcoming television programmes/storylines so as not to provide any "spoilers" which might reveal a plot element or storyline. Please also note that BBC World Service adheres to a domain name policy of registering one .com domain per language site and, in some cases, a domain local to the core audience for the content. We have volunteered to disclose all registered World Service domains and, as such, they will account for a large proportion of the disclosed list of names.

Of the remaining domain names that are not related to programmes or services, we are withholding the information under section 43(2)(Commercial Prejudice) of the Act as we consider that disclosure will prejudice the commercial interests of the BBC for the following reasons:

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.



Firstly, the provision of domain name management services to the BBC will be subject to an EU public procurement process this year and disclosure of the information you have requested would prejudice the procurement process.

Secondly, disclosure of all domain names would, in effect, disclose our domain name strategy. In providing our strategy for names, we would face the increased possibility that individuals or organisations could potentially register domain names for our key brands and/or forthcoming programmes or services and try and profit by attempting to sell them back to the BBC at inflated prices. Furthermore, disclosure of the names and, in effect, our domain name strategy could provide an open opportunity to cyber squatters or domain redirection services to understand our strategy for registering names and could result in multiple registrations of key domain names which would then have to be recovered through litigation procedures at the expense of the licence fee payer. We accept that there are undoubtedly many hundreds of domain names which infringe or capitalise on the BBC brand which we cannot retrieve/buy back from third parties/cyber squatters, however we cannot openly disclose information to the general public and thereby make this situation even more difficult and costly.

As section 43 is a qualified exemption, in accordance with section 2(2) of the Act, we have considered the public interest factors in this case. 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, there is a public interest in the BBC being as transparent as possible about its domain name portfolio and associated registration and usage policies and in the BBC conducting its commercial activities (including the procurement process) in an open and honest way; in the BBC using public money effectively; and in the BBC getting value for money when purchasing goods and services.

In favour of withholding, there is public interest in the BBC devoting licence fee money to its core purpose of producing new content and spending as little of the licence fee as possible on retrieving domain names; in not harming the ability of the BBC or a third party to obtain goods and services in the future; and in the BBC maintaining a strong bargaining position vis-à-vis suppliers during contractual negotiations in order to ensure that the licence fee is spent effectively.

We are satisfied, in terms of section 2 of the Act, that in all the circumstances of this case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Appeal Rights

If you are not satisfied with this response 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/>

Please note that the BBC does not offer an internal review when the information requested is not covered by the Act (in this case, domain names related to BBC content). Instead, you may appeal directly to the Information Commissioner at the address above.

Yours sincerely

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

Freedom of Information and 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.