



Information Rights

[bbc.co.uk/foi](http://bbc.co.uk/foi)    [bbc.co.uk/privacy](http://bbc.co.uk/privacy)

Samantha Fernandez

Via email: [request-460381-d7d01611@whatdotheyknow.com](mailto:request-460381-d7d01611@whatdotheyknow.com)

21 February 2018

Dear Samantha Fernandez

**Request for Information – RFI20180157**

Thank you for your request of 26<sup>th</sup> January 2018 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*"1) Could you please provide me with the full costing of the BBC 's TV Licencing campaign to include from year 2010 in a year by year basis Itemised to this date.*

*Advertisements broadcast on TV*

*Advertisements on the internet*

*Paper form Advertisements in the form of posters and flyers (Include Delivery labour)*

*All 'To the occupier' letters in the post.*

*All follow up letters after the first TV licencing letter is Ignored/Lost/Binned.*

*All of your Capita contractors costs for 'cold calling property's', and visiting with warrants*

*All staffing Costs to maintain all the above services*

*2) The number of people successfully convicted for having no TV Licence from the year 2010 to this present day that incurred the maximum 1000 pound fine.*

*3) The average fine 'figure' that is handed to successfully convicted persons from the years 2010 to the present*

*4) Does the BBC have some form of special exemption from the Human Rights ACT 1998 or from the Protection from Harassment ACT 1997"*

Please note that "TV Licensing" is a trade mark used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd ('Capita'). Over-the-counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Media Planning Limited trading as Havas Media UK. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

Please be advised that the Act gives a general right of access to all types of recorded information held by public authorities; and we are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

I shall address your requests in turn below.

### **Request 1**

#### TV Licensing trails and communications (including mailings)

Firstly, I should explain that TV Licensing communications play an important part in ensuring everyone is aware of when a TV Licence is needed and how to pay for one. However, we do not advertise the need to be licensed, the ways to pay and the consequences of non-payment on commercial TV stations. TV trails are shown on BBC channels. Communications shown on BBC channels are referred to as 'trails' because the BBC, as a public service broadcaster, does not raise revenue through advertising.

For your information, TV Licensing routinely publishes information on the overall cost of collecting the licence which encompasses communications, including reminders and information campaigns. Information pertaining to the 2016/17 financial year is published in the TV Licensing's Annual Review which is available at <http://www.tvlicensing.co.uk/about/our-performance-AB6> . Information on previous years' collection costs is also available on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-financial-information-AB19>.

I can confirm under section 1(1) of the FOI Act that we do hold additional recorded information that is relevant to this part of your request. However, in view of the range of communications activities you are interested in and the time period you have specified, we estimate that to identify, locate and extract this detailed level of information 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 what is referred to as 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).

In line with our duty to advise and assist you under section 16 of the Act, please note that specific costs - including the cost of production and airtime to broadcast trails and the cost of sending mailings - are considered to be exempt from disclosure under section 43(2) of the Act; as this information would be likely to prejudice the commercial interests of the BBC and its relevant contractors. In addition, we consider that detailed information about our enforcement mailing strategy to be exempt under section 31 of the Act which relates to law enforcement. Therefore, even if was possible to respond to this part of your request within the appropriate limit, we would seek to withhold the information under these exemptions.

#### TV Licensing enforcement activities

As noted above, information on the cost of collecting the licence is readily available on the TV Licensing website. However, these collection costs cover all aspects of collecting and enforcing the TV Licence fee and we do not group costs information for specific aspects of the service, such as enforcement (which includes enquiry officers and detection).

With regard to Capita staffing costs, whilst Capita may hold this information, it is not held by Capita on the behalf of the BBC. The Act gives rights of public access to information held by public authorities (as defined

in section 3 of the Act). Section 3(2)(a) of the Act says that, for the purposes of the Act, information is held by a public authority if it is held by the public authority themselves or if it is held by another person on behalf of the authority. Capita is not a public authority as defined by the Act therefore information it holds but which is not held on behalf of the BBC is not subject to the Act.

### **Requests 2 and 3**

A fine is a matter solely for the court to impose and collect, not TV Licensing. Official statistics on the number of convictions, and fines imposed and collected are held by the Ministry of Justice and each magistrates' court in which the proceedings take place. Revenue for fines does not come to TV Licensing or to the BBC.

### **Request 4**

This is a query seeking legal advice rather than a request for recorded information and therefore falls outside the scope of the Act.

### **Appeal Rights**

If you are not satisfied that the BBC has 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 under the Act 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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.org.uk/>.

Kind regards

Rupinder Panesar

**Freedom of Information Advisor, TV Licensing Management Team**

## **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, S4C and MG Alba are the only broadcasting organisations 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 Audience Services operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website [bbc.co.uk](http://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](http://bbc.co.uk) or contact BBC Audience Services.

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 one of Europe’s most widely visited content sites. Around the world, international multimedia broadcaster BBC World Service delivers a wide range of language and regional services on radio, TV, online and via wireless handheld devices, together with BBC World News, the commercially-funded international news and information television channel.

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 (the sovereign body within the BBC) 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.

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.