



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Karin Mabberley

Via email: request-468069-dc409ffb@whatdotheyknow.com

28 March 2018

Dear Karin Mabberley

Request for Information – RFI20180409

Thank you for your request of 28th February 2018 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"This picture <https://goo.gl/mXMdfV> shows a copy of the TVL178 interview form which instructs the Capita employee to open with the question "Do you have a TV set on the premises?"

Since a TV set does not require a licence unless it is installed AND USED to receive broadcast television it would be more appropriate for the first question to be "Do you watch or record programmes as they're being shown on TV or live on an online TV service, or download or watch BBC programmes on demand, including catch up TV, on BBC iPlayer."

The current wording of the form permits Capita employees to misrepresent the law in order to secure licence sales, commission and prosecutions and there is plenty of evidence to suggest that they do so with impunity.

Why has the BBC not taken steps to protect the public and to uphold their promise to be "fair, to follow applicable laws, regulations, policies and codes of practice and to avoid threatening or intimidating behaviour" (<http://www.tvlicensing.co.uk/about/our-commitment-to-you-AB> 5) by ensuring that the wording on the TVL178

- 1) does not mislead the householder about the statute or*
- 2) allow the Capita employee scope to do so?"*

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.

As you are aware from my responses to your recent requests under the Act, 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. As these are a series of queries they fall outside the scope of the Act.

However, I can tell you outside the scope of the Act that the photograph you have linked is an extract of an old TV Licensing Record of Interview form. The current form accurately reflects the law in respect of TV Licensing i.e. a TV Licence is needed to install or use television receiving equipment to watch or record television programmes as they are being shown on TV or live on an online TV service, and to download or watch BBC programmes on demand, including catch up TV, on BBC iPlayer. Consequently, your assertion that “the wording of the form permits Capita employees to misrepresent the law” is incorrect.

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.gov.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

