



Information Rights

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

Andrew Leigh

request-645114-3fb43ce0@whatdotheyknow.com

10 March 2020

Dear Mr Leigh

Freedom of Information request – RFI20200221

Thank you for your request to the BBC of 11 February 2020 seeking the following information under the Freedom of Information Act 2000 ('the Act'):

“Please provide your project documentation for your London-centric studio replacement works. I am looking for Broadcasting House, Maida Vale, and Stratford. If this is deemed to be too large, please consider this as 3 separate requests.

Please include any projects that feed in to these such as product selection and procurement, and also any justification as to the disaggregation (if existing, I'm not requesting new documentation be generated as I am aware this is not part of the act).”

In accordance with section 1(1) of the Act, the BBC confirms that we do hold information concerning the new studio facility in Stratford. Maida Vale will remain fully operational until the time at which it's envisaged the studios operations will relocate to the newly built facility in Stratford. There are no current plans to relocate studios out of Broadcasting House.

However we consider this information to be exempt from disclosure under section 43(2) of the Act as disclosure would be likely to prejudice the commercial interests of the BBC and the third party involved.

As section 43 is a qualified exemption, the BBC is required by section 2(2) of the Act to consider the public interest factors both for and against disclosing information in relation to this request. Specifically, we looked at whether in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Factors in favour of disclosing this information:

- that there is transparency in the accountability of the BBC for public funds
- that the BBC is using public money effectively, and that the BBC is getting value for money when purchasing goods and services
- that the BBC's commercial activities (including the procurement process) are conducted in an open and honest way

Factors for withholding disclosure of this information:

- prejudice the negotiating position of the BBC and a third party in ongoing contractual negotiations
- weaken the BBC's bargaining position with suppliers of goods and services which may in turn weaken a third party supplier's bargaining position with other customers
- weaken the competitive position of the BBC or a third party in their particular market by disclosing sensitive information which would be likely to be used by competitors to gain a competitive advantage
- harm the ability of the BBC or a third party to obtain goods and services in the future

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

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. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

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, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely,

Information Rights
BBC Legal

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 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 Audience Services.

The Act does apply to all of the other information we hold about the management and running of 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 Ofcom (the BBC's independent regulator) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. Ofcom also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament.