



Information Policy & Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)

Martin Keegan  
<[request-112613-e0d52173@whatdotheyknow.com](mailto:request-112613-e0d52173@whatdotheyknow.com)>

3 May 2012

Dear Mr Keegan,

### **Freedom of Information request – RFI20120376**

Thank you for your request to the BBC of 4 April 2012, seeking the following information under the Freedom of Information Act 2000:

Which candidates in the current London mayoral elections have been invited to debate with each other on Newsnight (in 2012 to date, including tonight's edition)?

What criteria are used for determining which candidates are invited?

The information you have requested is out of scope of the Act but you can read more about the guest list on the edition of Newsnight broadcast on April 4 here:

<http://www.bbc.co.uk/news/uk-england-london-17622189>.

With regard to the criteria for selecting contributors, you may be interested to read the BBC's election guidelines here:

<http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidance-election-guidelines-2012may>

We hope you find this helpful. Please note that the information you have requested is excluded from the Act because it is held for the purposes of 'journalism, art or literature.' Part VI of Schedule 1 to FOIA provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for 'purposes *other* than those of journalism, art or literature'<sup>1</sup>. The BBC is not required by the Act to supply information held for the

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<sup>1</sup> 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.

purposes of creating the BBC's output or information that supports and is closely associated with these creative activities; however, on this occasion we're happy to provide the above information in response to your request.

## **Appeal Rights**

The BBC does not offer an internal review when the information requested is not covered by the Act. If you disagree with our decision you can appeal to the Information Commissioner. Contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF telephone 01625 545 700. <http://www.ico.gov.uk>

Yours sincerely,

Stephanie Harris  
Head of Accountability, BBC News

## **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.

