



Information Rights

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

Edward Blaise

request-1024886-b526ed73@whatdotheyknow.com

21 September 2023

Dear Edward,

Freedom of Information Request - RF120231204

Thank you for your request to the BBC dated 12 September 2023 seeking the following information under the Freedom of Information Act 2000 ('the Act'):

"Please provide the following information:

- 1. Any documents associated with conducting a risk assessment allowing a dog to be in the studio during a segment on the American Bully on Newsnight 11/09/2023*
- 2. Any internal or external correspondence relating to the presence of the dog in the studio"*

If held, the information you have requested is held for the purposes of 'art, journalism or literature'. The FOI Act provides that the BBC is not obliged to disclose this type of information.

However on this occasion, we are happy to voluntarily provide the below information in response to your request.

A risk assessment was done before the item in accordance with BBC guidelines.

Information held for the purposes of art, journalism or literature by the BBC

Information that relates to the BBC's output, or information that supports and is closely associated with these creative activities, is considered to be held by the BBC for the purposes of art, journalism or literature. Such information held by the BBC and other public service broadcasters falls outside the scope of the FOI Act.

The limited application of the FOI Act described above recognises that the BBC and other public service broadcasters can preserve their independence by ensuring information about matters including editorial decisions about programming and budgets allocated to such programming, are not subject to undue public scrutiny. It is important that the BBC is an independent and impartial news organisation.

We have also attached a more detailed explanation of how the FOI Act applies to the BBC and other public service broadcasters which we hope you will find helpful.

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, tel: 0303 123 1113 or see <http://www.ico.org.uk>

Please note that should the Information Commissioner's Office decide that the Act does cover this information, exemptions under the Act might then apply.

Yours sincerely,

Information Rights

BBC Legal

Further information on the application of the FOI Act to the BBC and other public service broadcasters

General Scope of Freedom of Information

From January 2005 the Freedom of Information Act 2000 (the “FOI Act”) gives a general right of access to all types of recorded information held by public authorities. The FOI 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 of Freedom of Information 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.

However, the FOI 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 FOI 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.

The limited application of the FOI Act to public service broadcasters was to protect freedom of expression and the rights of the media under Article 10 European Convention on Human Rights (“ECHR”). The BBC, as a media organisation, is under a duty to impart information and ideas on all matters of public interest and the importance of this function has been recognised by the European Court of Human Rights. Maintaining our editorial independence is a crucial factor in enabling the media to fulfil this function.

However, a great deal of information about the BBC’s programmes and content is currently available from the BBC and will continue to be so. You can check what is currently available on the BBC’s website bbc.co.uk or you can contact BBC Audience Services.

Finally, the FOI Act does apply to all of the other information we hold about the management and running of the BBC.

The Role and Remit of the BBC

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.

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.