



Information Rights

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

A. Clerk

Via email: request-350308-3dbdcc06@whatdotheyknow.com

20th October 2016

Dear Sir/Madam

Request for Information – RFI20161480

Thank you for your request of 8th August 2016 under the Freedom of Information Act 2000 ('the Act') seeking the information below. I note that we have not met the 20 working day deadline for responding to your request - please accept my apologies for this delay in responding, which is due to staff leave.

"Please consider this as a request under the Freedom of Information Act 2000.

The TV Licensing contracted companies hold a wide range of customer personal data on behalf of the BBC. The Data Protection Act 1998 states that: "Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data."

Please provide the following information:

- 1. The number occasions that TV Licensing has lost or unintentionally released customer personal data. Please provide this as an annual breakdown from 2010 to the present time.*
- 2. For each occasion given in response to question 1:
 - The number of customers whose data was involved;
 - The nature of the data compromised (e.g. addresses, phone numbers, payment details).*
- 3. The number of times TV Licensing has reported data breaches to the Information Commissioner's Office. Please provide this as an annual breakdown from 2005 to the present time.*

For the purposes of this request by "TV Licensing" I mean any of the companies contracted by the BBC to undertake TV licence administration or enforcement work; by "unintentionally released" I mean any instance when data is released to an unauthorised recipient, whether the data released is in physical or electronic format."

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 no doubt aware, the BBC received an identical request (RFI20131251), which was responded to on 16th October 2013. This response is published on the What Do They Know website at https://www.whatdotheyknow.com/request/tv_licensing_data_breaches#incoming-440863. I consider that the BBC’s response to this earlier request satisfies your current request for the time period 2005 to 25th August 2013. I am therefore responding to your current request in respect of the period 26th August 2013 to 8th August 2016(the date of your current request).

TV Licensing and data protection

As outlined in the BBC’s previous response, I would like to reiterate that data security is taken very seriously by the BBC and we have a comprehensive set of controls in place to protect it, in compliance with the Data Protection Act. Our Information Security Strategy comprises policy, procedural, technical and educational controls and is compliant with the international security standard for Information Security Management (ISO27001). Except where required by law, no data is released to third parties other than those contracted by the BBC to provide services for TV Licensing purposes.

TV Licensing has a comprehensive database of around 30 million domestic, business and other addresses across the UK, with over 25 million TV Licences in force. We ensure that staff access to the database and other associated systems is only permitted if their job requires it. The different levels of access are monitored rigorously and staff members receive mandatory data protection training, as well as regular briefings on the importance of protecting personal data.

Whilst we attempt to minimise the number of data losses or breaches, with an operation of this scale, data incidents do occur sometimes. Accordingly, we have a robust and well established process in place to address such incidents, as and when they may arise. All incidents are recorded and investigated, and appropriate action taken, which may include notifying the Information Commissioner’s Office (ICO) and/or any data subjects affected. All knowledge gained by these experiences is used to review and update our procedures

For the vast majority of individuals potentially affected by the data incidents detailed, no sensitive personal data was involved and only one breach was sufficiently serious to report to the ICO. Furthermore, we do not believe the figures in the disclosure log reflect a growing number of data breaches but rather demonstrate the increasing vigilance of staff in identifying and reporting data incidents.

Your request

I attach a disclosure log containing the information you have requested for the time period I have specified above. Please note that I have followed the same approach compiling the disclosure log as in the BBC’s response to request RFI20131251. For ease of reference, I have outlined the main points overleaf. :

- With regard to the information pertaining to questions 1 and 2, the figures reflect cases which we have treated as a 'data breach'. However in a small number of cases it is not possible to confirm whether data has actually been released or there is only a theoretical risk of disclosure. Accordingly, the heading on the spreadsheet refers to the "Number of individuals affected" which relates to the number of individuals we believe have been affected, to the best of our knowledge based on the information available at the time.
- The 'number of customers whose data was involved' has been interpreted as referring to customers whose data was lost or unintentionally disclosed. In many cases, a breach involves only one person. However in some cases, for example where there has been a mailing error affecting multiple customers, there may have been a higher number of customers in total affected by the breach (e.g. because they received no mailing at all) but only the figures for those whose individuals whose data has been lost or unintentionally released have been included in the disclosure log.

Please be advised that those incidents with the largest numbers affected either related to data losses by a third party or no sensitive personal data involved, or both.

- The log refers to the nature of the data in a number of cases by reference to the type of document which was lost/unintentionally released. Please note that the exact data elements held within documents will vary from case to case and record to record because these will not always be provided/completed. As such, the exact data elements aren't always recorded. To assist you, I am providing you overleaf with an explanation of the personal data elements that have not been defined in the disclosure log:

178 form

- Date & time of the statement taken
- Name & address
- TV set inspection details (TV make, colour, dvd, video, in use, on stand-by, power plugged in & aerial plugged in)
- Telephone contact details
- Date of Birth
- Time at address
- Occupation
- National Insurance number
- Signature

Court summons

- Name & address
- Case number
- Date of Birth
- Court date and time
- Attendance details
- Details of the offence (time and date of offence)
- Application of costs information

- Finally, we adhere to the ICO's guidance and liaise with the BBC's Legal department to determine when the ICO should be notified of a breach. The ICO's guidance can be found at <https://ico.org.uk/for-organisations/report-a-breach/>.

In summary, data security is taken very seriously by the BBC and we have a comprehensive set of controls in place to protect it, comprising policy, procedural, technical and educational controls. TV Licensing has a comprehensive database of around 30 million addresses across the UK, with over 25 million TV Licences in force. In an operation of this scale, data incidents will sometimes occur sometimes but we take all appropriate action to prevent and learn from any incidents. It's important to note that for the vast majority of individuals potentially affected by the data incidents detailed, no sensitive personal data was involved. Only one breach was considered serious enough to notify to the ICO.

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