



Freedom of Information Internal Review decision

Internal Reviewer	Lawyer – Legal Workplace and Information Rights
Reference	RFI20210123 / IR2021023
Date	29 March 2021

Requested information

On 19 January 2021, you made a request to the BBC under the Freedom on Information Act for the following information:

*“With regard to the information already released under the following FOI request:
https://www.whatdotheyknow.com/request/correspondence_regarding_failed*

Please provide copies of all communications, internal, external and all reports and other recorded information relating to the breach of this information - that are in addition or that was not previously disclosed in that request I.,e as there may be new information available since the original request date. The request extends to the same parameters as the referred to request i.e. "Please provide copies of all communications, internal, external and all reports and other recorded information relating to the breach of this information. I assume there has been some form of an investigation as to what happened and how, the impact of the release and potential mitigation against the impact of it, correspondence with third parties (perhaps Capita and WhatDoTheyKnow) and other such."

On 26 January 2021, the BBC responded to your request, advising that the BBC does not hold recorded information relevant to your request.

On 12 February 2021, you sought internal review of the BBC’s decision. In particular, you said that:

“I am writing to request an internal review of British Broadcasting Corporation's handling of my FOI request 'Further Correspondence regarding failed redaction of Monthly Performance Pack'.

Following another person's FOI request RFI20161363...

This was responded to on 01/12/16. From reading the details I struggle to believe that since his original request 18/07/2016 there was no further activity since Dec 2016.

I had the fastest response ever to this request, just saying "Under section 1(1) of the Act, we can confirm that the BBC does not hold this information. "

I fail to believe nothing more is available.

A full history of my FOI request and all correspondence is available on the Internet at this address:
[https://www.whatdotheyknow.com/request/further_correspondence_regarding.](https://www.whatdotheyknow.com/request/further_correspondence_regarding)”

The issue for review

This review will consider whether the information you have requested is exempt under section 21 of the FOIA as it is information that is already available in the public domain.

Decision

I am satisfied that the information you have requested is exempt under section 21 of the FOIA as it is information that is already available in the public domain, in response to a previous FOI request to the BBC made public website ‘What Do They Know’ by a different requester, which you have access to as you have included a link to this previous request, and the BBC’s response to that request, in your current request.

The relevant the and the reasons for my decision are set out below.

Reasons for decision

Relevant law

Section 21(1) of the FOIA provides that information is exempt if it is accessible to the applicant by means other than the statutory duty imposed on public authorities under section 1(1) of the FOIA to confirm or deny whether requested information is held: “(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information”.

Reasons

In this case, your request is directly related to a past FOIA request made to the BBC on 15 August 2016 (RFI20161363) for the following information: “With regard to the information you accidentally released when you responded to this Freedom of Information request: https://www.whatdotheyknow.com/request/monthly_performance_pack_2 Please provide copies of all communications, internal, external and all reports and other recorded information relating to the breach of this information. I assume there has been some form of an investigation as to what happened and how, the impact of the release and potential mitigation against the impact of it, correspondence with third parties (perhaps Capita and WhatDoTheyKnow) and other such”.

The BBC responded to this request on 1 December 2016, disclosing relevant information subject to applicable exemptions. The BBC’s response is publicly accessible on the website What Do They Know via this link: https://www.whatdotheyknow.com/request/correspondence_regarding_failed.

I am satisfied that you have located this information as you referenced it in your request.

Your current request is in the same terms as that in RFI20161363, subject to the following condition: “... *Please provide copies of all communications, internal, external and all reports and other recorded information relating to the breach of this information - that are in addition or that was not previously disclosed in that request I.,e as there may be new information available since the original request date*”,

As mentioned above, the previous request, RFI20161363, was made on 15 August 2016 and the BBC provided a comprehensive response, including relevant disclosures, on 1 December 2016 after careful consideration of the request, the information held, and the public interest test. I have liaised with the relevant department[s] and can confirm that the BBC does not hold any additional recorded information that is relevant to the terms of this request. I am satisfied that all recorded information that is relevant to this request is accessible to you via other public means, as you have located this information on the site ‘What Do They Know.

For these reasons, I am satisfied that the information you have requested is exempt under section 21 of the FOIA, as all relevant information is already publicly available.

Appeal Rights

If you are not satisfied with the outcome of your 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; Telephone 01625 545 700 or <https://ico.org.uk/>