

**Freedom of Information  
Internal Review decision**

Internal Reviewer	Lawyer – BBC Workplace and Information Rights
Reference	RFI20171161 / IR2017061
Date	08 September 2017

**Requested information**

On 2 August 2017, Mr Connor A. Gurney (the “**applicant**”) made a request under the Freedom of Information Act 2000 (the “**FOIA**”) via the website [whatdotheyknow.com](http://whatdotheyknow.com) for the following information:

1. *A copy of the source code of the legacy Barley page framework (prior to Barlesque implemented around 2008)*
2. *A copy of the former page [http://www.bbc.co.uk:80/guidelines/futuremedia/restricted/technical/barley\\_implementation.shtml](http://www.bbc.co.uk:80/guidelines/futuremedia/restricted/technical/barley_implementation.shtml) which appears to now return a 404 Not Found error publicly*
3. *A copy of any other documentation held by yourselves relating to the aforementioned framework*
4. *A copy of all documentation relating to the SSI tools provided by the BBC to the web developers (as referenced here: <http://intracat/ssi/>)*
5. *A copy of the source code for those tools*

On 30 August 2017, the BBC responded to the request:

*Under section 12 (Cost of compliance exceeds appropriate limit) of the Act, we are not obliged to comply with a request for information if, in our estimation, compliance would exceed “the appropriate limit” - set under regulation 3(3) of Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (‘the Regulations’) as being £450 (equivalent to two and a half days’ work, at an hourly rate of £25).*

*After careful consideration, we estimate that the cost of complying with your request will exceed the “appropriate limit” because of the historical nature of request (points 1, 2 & 3) and also the volume of documentation to collate (point 4).*

*The BBC has been using and contributing to open source projects for as long the BBC has been online. You can find more information at the following site: <http://www.bbc.co.uk/opensource/>*



On 30 August 2017 the applicant asked that the BBC conduct an internal review of its Decision:

*Please pass this on to the person who conducts Freedom of Information reviews. I am writing to request an internal review of British Broadcasting Corporation's handling of my FOI request 'Barley page framework'.*

*I am unable to find the information I have requested on the BBC's open source webpages and I would like the opportunity to narrow down my request. Please let me know how much you estimate each point would cost and I am willing to discuss this issue further.*

*A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/barley\\_page\\_framework](https://www.whatdotheyknow.com/request/barley_page_framework)*

### **Issue for review**

This review will consider whether the BBC holds the requested information under section 1(1) of the FOIA or whether the BBC correctly applied section 12 to the request.

### **Decision**

After considering the BBC's response including liaising with the relevant division of the BBC, we conclude that the BBC holds some of the requested information (relevant to question 1 in the request). This information is provided as an attachment to this email.

However, the BBC does not hold information relevant to questions 2-5. Given this, there is no need to review whether the BBC correctly applied section 12 as this is not relevant to the request.

### **Requested information**

I address the information held by the BBC below:

On the first point, the BBC has now located a copy of the source code of the legacy Barley page framework. This was the source code used prior to the implementation of the Barlesque code in 2008 and is no longer used by the BBC. The BBC attaches a range of documents necessary to understand and implement the Barley source code. Please note that some files require specialist software to open.

As this information contains the BBC's logos, we respectfully remind the requestor that any use of the logo requires prior permission: [http://www.bbc.co.uk/branding/logo\\_use](http://www.bbc.co.uk/branding/logo_use)



On the second to fifth points in the request, after conducting a search, the BBC concludes that it does not hold the requested information under section 1(1) of the FOIA.

### **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 [www.ico.gov.uk](http://www.ico.gov.uk)