

Freedom of Information
Internal Review decision

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| Internal Reviewer | Lawyer – BBC Workplace and Information Rights |
| Reference | RFI20171910/IR2018009 |
| Date | 25 January 2018 |

Requested information

On 22 December 2017 'Chros' ("**the applicant**") made a request for information under the Freedom of Information Act 2000 ("**the FOIA**") for the following information:

1) Could you please provide me with the full costing of the BBC's TV Licencing campaign to include from year 2010 in a year by year basis Itemised to this date.

Advertisements broadcast on TV

Advertisements on the internet

Paper form Advertisements in the form of posters and flyers (Include Delivery labour)

All 'To the occupier' letters in the post.

All follow up letters after the first TV licencing letter is Ignored/Lost/Binned.

All of your Capita contractors costs for 'cold calling property's and visiting with warrants

All staffing Costs to maintain all the above services

2) The number of people successfully convicted for having no TV Licence from the year 2010 to this present day that incurred the maximum 1000 pound fine.

3) The average fine 'figure' that is handed to successfully convicted persons from the years 2010 to the present

4) Does the BBC have some form of special exemption from the Human Rights ACT 1998 or from the Protection from Harassment ACT 1997

On 23 January 2018 the BBC responded with the following:

Under section 8(1)(b) of the Act, public authorities are not obliged to comply with a request for information if the request does not provide the valid name of the requester.

You may wish to look at the guidance regarding section 8 of the Act published by the Information Commissioners Office at the following link: <https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf> .

On 24 January 2018 the applicant requested an internal review of the BBC's decision. In this request, the applicant identifies himself as Mr C Jackson.

Dear BBC,

You have delivered your response far later than the allocated time frame. You are not in a good position to lecture me on how the act works.

I have provided you with my name, if you so badly require my last name then i would of also provided this for you at the earliest opportunity , common sense dictates that you should of asked for it in the first place in order to assist a member of the public in a courteous and professional manner as should be expected from the publicly funded sector, then we would not be having this discussion.

I am now requesting an internal review due to the matters highlighted above.

Kind regards,

Mr C Jackson

Issue for review

This review considers whether the BBC was legally right to refuse to provide the applicant with the requested information under section 8 of the FOIA, and further, whether the BBC acted consistent with its duty under section 16 to provide the applicant with advice and assistance in explaining why the request was refused.

Section 8 provides that:

In this Act any reference to a “request for information” is a reference to such a request which—

- (1)(a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

(2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—

- (a) is transmitted by electronic means,*
- (b) is received in legible form, and*
- (c) is capable of being used for subsequent reference.*

Decision

This review upholds the BBC's decision to refuse the request.

The request was not valid because the requestor did not provide their full name in their request for information. Section 8(1)(b) of the FOIA provides that a request for information is one that, among other information, 'states the name of the applicant'. ICO Guidance explains that 'section 8(1)(b) requires that a request for information must include the name of the requester'.¹ The Guidance continues that, 'for a request to be valid, the requester must provide enough of their real name to give anyone reading that request a reasonable indication of their identity'.² In the applicant's request, the only identifying name provided was 'Chros'. No surname was provided. It is reasonable for the BBC to have concluded in these circumstances that the requestor had not provided a name.

In responding to the request, the BBC acted in accordance with section 16 of the FOIA to provide reasonable advice and assistance. ICO Guidance provides that a public authority must explain the reasons why a request is refused under section 8 in their response.³ This review notes that the BBC provided the applicant with such an explanation, including providing a link to the ICO's guidance on section 8. This constitutes reasonable advice and assistance in these circumstances. The applicant is of course entitled under the FOIA to submit a new request that fulfils the requirements of section 8.

On the issue raised by the applicant in his request for an internal review about the date of the response, the BBC apologises for not responding as promptly as possible. However the BBC did not in this case exceed the statutory time limit for responding to requests for information.

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

¹ <https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>, paragraph 14.

² Ibid, paragraph 21.

³ Ibid, paragraph 119-122.