



Information Rights

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

CHP Gallow

request-885494-b378fcb9@whatdotheyknow.com

01 September 2022

Dear CHP Gallow,

Freedom of Information request – RFI20220901

Thank you for your request to the BBC of 09 August 2022 seeking the following information under the Freedom of Information Act 2000:

In your advance publicity material for this programme, transmitted on 20 July 2022, you made a claim that 8% of the UK adult population is unvaccinated. The BBC claimed that there are "4 million unvaccinated adults" and that "this is based on government figures and Office for National Statistics estimates." In fact, these ONS estimates are contradicted by data from the UKHSA which estimates 20% of adults are unvaccinated. The BBC chose to its own survey of a sample of 2570 adults carried out explicitly for the programme. Of these 664 were unvaccinated, which is 26%. Based on that survey, there is a high probability that the proportion of unvaccinated is at least 23%

FOIR Question 1: What was the basis for the programme choosing to ignore UKHSA and BBC survey results and instead setting out a proposition that those who remain unvaccinated are a small minority?

2. Neither participants nor viewers informed that both Professor Adam Finn and Professor Asma Khalil had significant links with Pfizer. Specifically, the Pfizer Vaccine Centre of Excellence is "led by" Prof Finn and Professor Khalil is the "Principal Investigator of the Pfizer COVID vaccination in pregnancy trial" (both descriptions taken from their respective official web sites)

FOIR Question 2: What did the BBC know of these links and why did the programme conceal them links, instead leaving the deliberate impression that they were independent scientists?

If held, the information you requested is held for the purposes of 'art, journalism or literature'. The Act provides that the BBC is not obliged to disclose this type of information and we will not be disclosing any information on this occasion.

Legal explanation

Part VI of Schedule 1 to the Act provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for ‘purposes other than those of journalism, art or literature’. The BBC is not required to supply information held for the purposes of creating the BBC’s output or information that supports and is closely associated with these creative activities¹.

This is an important way 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.

The limited application of the 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. The BBC also makes a huge range of information available about our programmes and content on bbc.co.uk.

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

¹ For more information about how the Act applies to the BBC please see the enclosure which follows this letter. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

Freedom of Information

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

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The 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 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.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact BBC Audience Services.

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

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.

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.