

Freedom of Information Internal Review decision

Internal Reviewer	Katherine Leslie, Advisor – Freedom of Information & Contentious Data Protection
Reference	IR2016005 / RFI20152069
Date	4 February 2016

Background

On 3 December 2015 the S Craig (the applicant) made a request via www.whatdoyouknow.com under the Freedom of Information Act 2000 seeking the following information:

*How many Senior Managers did News Division employ on 1 October 2015?
How many of these individuals
- were in their substantive and continuing named posts on that date?
- were working on special projects other than their continuing substantive job?*

On 5 January 2016 the BBC responded:

We estimate that to deal with your request would take more than two and a half days; under section 12 of the Act, we are allowed to refuse to handle the request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25). The information regarding individuals working on special projects or assigned roles is not held centrally, so we would have to contact each department to enable us to answer your request.

On 7 January 2016 the applicant requested an internal review stating:

It would take more than two and a half days to work out how many senior managers were employed in BBC News in October and whether they were doing their jobs or not? I doubt that. A few calls to one or two HR officers wouldn't take that long.

A full history of the applicant's request is available here: <https://www.whatdotheyknow.com/request/bbc-senior-manager-special-proje>.

Decision

The BBC has reconsidered its response and is prepared to disclose the following information in response to the first and second questions:

How many Senior Managers did the News Division employ on 1 October 2015?

As at 30 September 2015 the BBC employed 90 staff in senior manager roles within the News division. This represents a steady reduction since 2011.

How many of these individuals were in their substantive and continuing named posts on that date?

Of the total number of senior managers, 83 were in their substantive roles. The proportion of Senior Manager's to graded staff in News Group has come down measurably.

For the purposes of this request, the disclosed information relates to staff employed on permanent or fixed-term contracts currently in Senior Manager (SM) graded roles as at 30 September 2015. Please note that this figure will not align with the reported senior manager data as per our senior pay strategy.

As set out in section 6(1)(b)(ii) of the FOI Act, our subsidiary BBC Global News Ltd and the charity BBC Media Action are not subject to the Act. Therefore, this response does not include information for their employees.

Question three: 'special projects'

The applicant also requested information on how many individuals were working on "special projects other than their continuing substantive job". The scope of my review was to determine if the BBC held the requested information.

By way of background, the term 'special projects' is interpreted differently across BBC's divisions, and employees may be involved in 'special projects' alongside their day-to-day substantive role.

As mentioned in the original response, the BBC does not record data of whether a BBC News employee is working on "special projects other than their continuing substantive job". To respond to the third question, BBC News would need to create information by defining what constitutes a 'special project' for the purposes of this request, and contact each Human Resource Business Partners within the News Division to identify whether a Senior Manager was working on 'special projects other than their continuing substantive job'.

The Freedom of Information Act 2000 only covers recorded information that a public authority holds at the date of the request. A public authority does not have to create an answer or find out the information if the requested information is not already held in recorded form.¹ Therefore, as the BBC would need to create information to respond to the request, I confirm that the BBC does not hold the requested 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 545 745 or www.ico.gov.uk.

¹ For example, see the Information Commissioner's guidance at: https://ico.org.uk/media/for-organisations/documents/1159/information_from_original_sources.pdf