



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Sean Moran
Email to: request-202441-2860c7f1@whatdotheyknow.com

10th April 2014

Dear Sean,

Freedom of Information Act 2000 – RFI20140454

Thank you for your request under the Freedom of Information Act ('the Act') of 17th March 2014, seeking:

- “1. Does the BBC manufacture its own hand-held TV Licence Fee evasion detectors?*
- 2. Does the BBC manufacture its own van-based TV Licence Fee evasion detectors?*
- 3. Does the BBC hold any patents on any of its different TV Licence Fee evasion detectors? If so please provide patent numbers.*
- 4. If the BBC doesn't manufacture its own TV Licence Fee evasion detectors (hand-held or van-based) who does it buy this equipment from and what does each different piece of equipment cost?”*

In response:

1. Does the BBC manufacture its own hand-held TV Licence Fee evasion detectors?

The hand-held detectors are manufactured by the BBC. Certain components, or assembly of those components, may be commissioned by the BBC from third parties.

2. Does the BBC manufacture its own van-based TV Licence Fee evasion detectors?

The van-based detection systems are manufactured by the BBC. Certain components, or assembly of those components, may be commissioned by the BBC from third parties.

3. Does the BBC hold any patents on any of its different TV Licence Fee evasion detectors? If so please provide patent numbers.

Under section 1(1) of the Act, we can confirm that the BBC does not hold the information you have requested because the BBC does not patent or register designs for such equipment; the reason for this being that if the BBC registered a patent for such a device, the details (i.e. how it works) would be made public. Such public availability would potentially aid evasion of the Licence Fee.

4. If the BBC doesn't manufacture its own TV Licence Fee evasion detectors (hand-held or van-based) who does it buy this equipment from and what does each different piece of equipment cost?

We can confirm under section 1(1) of the Act that the BBC holds further information relevant to your request. However, we are withholding it because we consider that the requested information is exempt from disclosure under section 31(1)(a), (b), (d) and (g) and 2(a) of the Act, i.e. disclosure would, or would be likely to, prejudice the prevention or detection of crime, the collection of the licence fee and the BBC's ability to discharge its public functions in respect of such matters. This is because it would provide information of use to those seeking to evade and/or assist others in evading paying the licence fee.

As section 31 is a qualified exemption, we are required by section 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Consideration of the public interest test

The following factors are in favour of disclosure:

1. Ensuring that the licensing authority is exercising its functions appropriately and proportionately; and
2. Ensuring that public funds are being appropriately applied, that is:
 - a. ensuring that the TV Licensing system is being efficiently run; and
 - b. ensuring that value for money is being obtained.

I consider that the above public interest factors in favour of disclosure are served by the following:

1. The fact that the BBC is inspected by an independent body - the Office of Surveillance Commissioners - which monitors the BBC's compliance with legislation regarding detection every three years, and in doing so ensures that the public are not unfairly or unlawfully subject to detection.

2. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. NAO's most recent audit is published on the NAO website at www.nao.org.uk.
3. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over this responsibility from the Home Office, to 3.0% for the financial year 12/13. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see www.bbc.co.uk) and the *TV Licensing Annual Review* (www.tvlicensing.co.uk/about/our-performance-AB6/).

In addition, the following factors are in favour of withholding the information:

1. The BBC has a duty to enforce the television licensing system and it is essential that evasion is kept to a minimum.
2. Part of keeping evasion to a minimum is maintaining uncertainty as to TV Licensing's enforcement practices. This includes safeguarding information relating to the details of the manufacture of any detection equipment that is used by enquiry officers. This uncertainty contributes to the deterrent effect which is an important part of TV Licensing's enforcement strategy.
3. Without an effective deterrent to licence fee evasion, evasion would invariably increase. This would be to the detriment of the honest majority of people who are properly licensed and to the overall amount of revenue available to the BBC.
4. An increase in the rate of licence fee evasion would lead to an increase in enforcement costs and may lead to more prosecutions.
5. An increase in enforcement costs would lead to a decrease in the available funds to be put towards producing the BBC's content.

In this instance, the public interest is served by maintaining an effective deterrent to licence fee evasion. This in turn protects the BBC's revenue stream and keeps prosecutions to a minimum. I have concluded that there is a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Information Commissioner has acknowledged in his Decision Notice [FS50476136](#) that there is a very strong public interest in the BBC being able to enforce the television licensing system and in not disclosing information which could impede the deterrent effect.

Additionally, we would generally withhold information that would reveal a negotiated position (e.g. pricing) between the BBC and a third party as we would consider such information to be exempt from disclosure under section 43(2) of the Act as disclosure would be likely to prejudice the commercial interests of the BBC and/or its supplier.

Appeal Rights

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. If you are not satisfied with the 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 see <http://www.ico.gov.uk/>

Yours sincerely,

Kate Leece
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BBC Future Media and Technology

