



Information Policy & Compliance
bbc.co.uk/foi

M. Veale

By email to: M Veale [request-10862-49b2a42f@whatdotheyknow.com]

22 May 2009

Dear M. Veale

Freedom of Information request

Thank you for your request under the Freedom of Information Act 2000 ("the Act") dated 22 April 2009. The reference number for your request is RF120090611.

You requested:

"Has the BBC followed the likes of Wikipedia and Amazon in opting out of allowing BT Webwise/Phorm to profile users of it's websites?

If not, does it plan to in the future?

Please disclose information on all meetings and correspondence regarding this subject, including dates, attendees and agendas."

In response:

We can confirm that the BBC is very aware of the debate around Phorm, and has been looking into the issues it raises. As such we refer you to the recent blog published by Seetha Kumar, Controller BBC Online and the BBC's Online Access Champion:

http://www.bbc.co.uk/blogs/bbcinternet/2009/05/bbc_online_and_behavioral_targ.html.

To answer your specific questions:

The BBC has not at this time opted out of allowing BT Webwise/Phorm to profile users of our websites.

As we understand the current position, the Phorm technology is not currently in use by any UK ISP. We are aware that complaints about the technology led to the Information Commissioner's Office (ICO)



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issuing a statement last year that users must be given the opportunity to opt in to the system, rather than opt out, and that the European Commission issued an action on 14 April 2009 against the UK Government referring to Phorm and querying whether the law here goes far enough to protect users from this kind of 'deep packet inspection' technology. As the UK Government is due to respond to the EC within two months, we are watching for further developments in this area.

As the privacy of our users is of primary concern to the BBC, we are continuing to keep the matter under active review and will take such steps as we believe are necessary to protect the privacy and interests of all users of our websites.

Please find attached copies of the documentation you requested. Please note that under section 40(2) of the Freedom of Information Act we have redacted the direct contact details of BBC staff and information which identifies some of the third parties. Personal information about living individuals is exempt if disclosure to a third party would breach one or more principles of the Data Protection Act 1998. As the individuals involved do not expect their direct contact details to be disclosed, to do so would be unfair. Likewise, the third parties whose details have been removed would not expect their involvement in informal discussions to be made public. Therefore disclosure in these instances would breach the First Data Protection Principle, fairness.

You will also note that we have made some redactions where information was not relevant to your request.

We hope you find this information useful.

Appeal Rights

If you are not satisfied with this response 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

L. Stiller
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BBC Future Media & Technology