



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

Wayne Tully
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15 September 2017

Dear Mr Tully

Freedom of Information request – RFI20171256

Thank you for your request to the BBC of 21 August 2017, seeking the following information under the Freedom of Information Act 2000:

- 1) Was Bruce Forsyth an employee of the BBC or self employed to provide services, as defined in his contract?*
- 2) How much was Bruce Forsyth paid for hosting Strictly Come Dancing?*
- 3) Have any discussions taken place regarding a memorial service for Bruce Forsyth?*
- 4) Have any proposals been made to suggest a memorial service at Westminster Abbey, for example?*
- 5) Will the BBC (licence payer) be paying for a memorial service at Westminster Abbey, for example, should any discussions involve this type of suggestion?*
- 6) What budget would the BBC set aside for any memorial service at Westminster Abbey?*
- 7) Will the Forsyth family be asked to pay for any memorial service that is a tribute to their family member?*

Questions 1 and 2

The information you have requested is excluded from the Act because it is held for the purposes of ‘journalism, art or literature.’ The BBC is therefore not obliged to provide this information to you and will not be doing so on this occasion. Part VI of Schedule 1 to FOIA 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 activities.¹

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.

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.

That said, the BBC makes a huge range of information available about our programmes and content on bbc.co.uk. We also proactively publish information covered by the Act on our publication scheme and regularly handle requests for information under the Act.

Questions 3 – 7

Under section 1(1) of the Act, I can confirm that at the time of your request, the BBC does not hold this information. However, we are happy to confirm that the BBC is considering some form of memorial service for the late Sir Bruce Forsyth.

If you plan to publish or broadcast a story using the information provided in this response please include the following statement from the BBC.

A BBC spokesman said:

“The BBC already leads the way on transparency and will continue to do so.

BBC Studios, which makes *Strictly Come Dancing*, is a fully commercial business and subject to the same transparency requirements as other private production companies.

We buy programmes, not talent, from BBC Studios and what they pay isn’t disclosed for good commercial reasons. All this was agreed with Government as part of the BBC Royal Charter.”

Appeal Rights

The BBC does not offer an internal review when the information requested is not covered by the Act (questions 1 and 2). 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 <https://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.

If you are not satisfied that we have complied with the Act in responding to your request (questions 3-7), 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, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely,

Information Rights

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

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 BBC Trust (the sovereign body within the BBC) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC’s independence and ensure the Corporation is accountable to its audiences and to Parliament.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.