



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

Nath
Via email: request-225306-60b388a0@whatdotheyknow.com

9th October 2014

Dear Nath

Request for Information – RFI20141344

Thank you for your request of 16th August 2014 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"I would like a copy of the most recent version of the ASK Help Script for staff please."

Please note that "TV Licensing" is a trade mark used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd ('Capita'). Over-the-counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Mediaedge:CIA International Limited ("MEC"). The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I attach, as Disclosure Document 1, a copy of the TV Licensing ASK Helpscript (Ask 21082014). The constituent elements of the Helpscript have been collated into one document and page numbers have been included for ease of reference only. The document also contains some non-functioning hyper-links which either refer to other information contained in the document or to internal instructions for staff. Information that is solely for internal use, including internal contact numbers and internal instructions for staff, has been removed. Finally, please note that parts of this document contain historical information which is out of date.

Various parts of the Disclosure Document 1 have been redacted. This is because we consider in each case the information contained therein to be exempt from disclosure under the terms of the Act. Each instance of redaction has been annotated to indicate which exemption has been applied. The exemptions used relate to sections 31 and 43 of the Act.

Section 31 – Law enforcement

In the large majority of redactions made, we consider that the information is exempt from disclosure under section 31(1)(a), (b), (d) and (g) and 2(a) of Act, i.e. that 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.

Section 43 – Commercial interests

Section 43 states that information will be exempt under the Act if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). In the case of each redaction indicated, the BBC is of the view that the release of the information would be prejudicial to either its own commercial interests, or those of Capita, or both, because to do so would reveal details about our suppliers' services and methodologies and/or would reveal market sensitive information which would be of benefit to competitors in any future tendering process for such services.

Since sections 31 and 43 are qualified exemptions, I am required by section 2(2) of the Act to consider the public interest factors in this case. I am satisfied in terms of section 2(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. I have considered the public interest test in the section on 'why information has been withheld' below.

Section 40 – Personal information

Finally, on a small number of occasions, information has been redacted under section 40(2) of the Act because this constitutes personal data.

Why information has been withheld

I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately;
2. 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.

Section 31

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

1. 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.

2. 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 below 2.7% for the financial year 2013/14. 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 (see <http://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 uncertainty contributes to the deterrent effect which is an important part of TV Licensing's enforcement strategy¹.
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 and thus in turn protecting the BBC's revenue stream and keeping prosecutions to a minimum.

Section 43

It is the BBC's contention that given its commercial sensitivity, these objectives will be threatened if the information requested is disclosed. I consider that the above public interest factors in favour of disclosure are served by the following:

1. The fact that the BBC is subject to a broad range of internal mechanisms, including oversight by the BBC Trust (responsible for commissioning value for money investigations into specific areas of BBC activity (Article 24(2) (i) of the Charter) and the Executive Board (responsible for conducting the BBC's operational affairs in a manner best designed to ensure value for money (Article 38(1) (h) of the Charter).

¹ The Information Commissioner has acknowledged in his Decision Notice [FS50476136](https://ico.org.uk/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.

2. The BBC is required to comply with Ofcom regulations, the fair trading regime and competition law in general.
3. In the interests of transparency and accountability, certain limited information on expenditure is already provided in the BBC's Annual Report and Accounts and the TV Licensing Annual Review.

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

1. That the BBC maintains a strong bargaining position vis-à-vis suppliers during contractual negotiations in order to ensure that the licence fee is spent effectively.
2. That the competitive position of companies, and/or their sub-contractors, in their particular market is not disadvantaged by doing business with the BBC. It would not be in the public interest to disclose sensitive information about a particular company if that information would be likely to be used by competitors to gain a competitive advantage.

In this instance, I consider that the public interest is served by ensuring that such commercially sensitive information is protected. I am therefore satisfied, in terms of section 2(2) of the Act, that in all the circumstances of the case, the public interest in withholding the information outweighs the public interest (outlined above) in disclosing the information.

There is hence 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 (outlined above) in disclosing the information.

Appeal Rights

If you are not satisfied that the BBC has 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 under the Act 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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

