



Information Policy & Compliance
bbc.co.uk/foi

Nath
request-36394-897dc67f@whatdotheyknow.com

20 August 2010

Dear Nath,

Request for Information – RFI20100774

Thank you for your email of 27 May 2010 requesting information under the terms of the Freedom of Information Act 2000 (“the Act”). Please accept my apologies for the delay in responding to your request, which was due to the significant resourcing required to review the requested document.

Before I respond to your question, it may be helpful if I first explain the nature of the relationship between TV Licensing and the BBC. “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 (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to iQor UK Limited. PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. Marketing and printing services are contracted to Proximity London Ltd as are public relations and advertising services. The latter are subcontracted by Proximity to Fishburn Hedges Boys Williams Ltd, Abbott Mead Vickers BBDO Ltd and PHD Media Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

You have requested the following information:

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

I have attached a copy of the TV Licensing ASK Helpscript (Ask 23062010). Please note that:



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1. Page numbers have been included for ease of reference and do not appear on the original document.
2. In terms of the content of page 668 (iQor debt recovery agency) payments owed on current TV Licences will be pursued by iQor who manage TV Licensing's cash schemes.
3. The reference to 'BBC Error' on page 871 should read 'TV Licensing error'.
4. Parts of this document are out of date.

Various parts of the attached ASK Helpscript 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. As you will see, each instance of redaction has been annotated to indicate which exemption has been applied. The large majority of exemptions used related to sections 43 and 31 of the Act.

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 section 43 is a qualified exemption, I am required by section 2(2) of the Act to consider the public interest factors in this case. This I have done under the heading 'Why information has been withheld' below.

As stated above, some information has also been withheld under section 31, which relates to law enforcement (specifically, because disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC's ability to discharge its public functions in respect of such matters). This is because in each case the redacted segments contain information which could be useful to people attempting to evade the licence fee. Again, the use of this exemption must be qualified, and accordingly, the justification for its use here is dealt with under 'Why information has been withheld' below.

Finally, on a small number of occasions, section 40(2) has been cited. This is because, in each case, the information redacted 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 exemptions used herein outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

- I. Ensuring that public funds are being appropriately applied, and specifically that:
 - a. the TV Licensing system is being efficiently run; and
 - b. value for money is being obtained.

2. Ensuring that the BBC is getting value for money in respect of its use of the licence fee when purchasing goods and services.
3. Ensuring that the licensing authority is exercising its functions as regards the enforcement of the TV Licensing system appropriately and proportionately.
4. Ensuring that the public has access to sufficient information to enable it to contact TV Licensing and seek accountability for TV Licensing's activities.

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

1. The fact that 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.
2. The fact that the BBC is also subject to the oversight of the BBC Trust (which is responsible for commissioning value for money investigations into specific areas of BBC activity under Article 24(2)(i) of the BBC Charter) and the Executive Board (which is responsible for conducting the BBC's operational affairs in a manner best designed to ensure value for money under Article 38(1)(h) of the Charter).
3. The fact that the BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2 (when it took over responsibility from the Home Office), to 3.5% for the financial year 09/10. 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 www.tvlicensing.co.uk/about/).

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

Section 43

1. The need for the BBC to maintain a strong bargaining position vis-à-vis suppliers during contractual negotiations in order to ensure that the licence fee is spent effectively.
2. The fact that the competitive position of companies 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.

Section 31

1. The BBC has a duty to enforce the television licensing system and it is essential that effective deterrents against evasion are maintained for this purpose.
2. 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.
3. An increase in the rate of licence fee evasion would lead to an increase in detection costs.
4. An increase in the costs of detecting licence fee evasion would lead to a decrease in the available funds to be put towards producing the BBC's content.

5. In this instance, the public interest is served by ensuring that the commercial aspects of documents used by the BBC's TV Licensing partners are protected, and by maintaining an effective deterrent to licence fee evasion and thus in turn protecting the BBC's revenue stream to produce its output.

Hence, I consider 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.

Your appeal rights

This enquiry has been dealt with under the terms of the Freedom of Information Act, as indicated above. 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 the reference number given at the start of this letter. If you are not satisfied with the internal review, you may appeal to the Information Commissioner, whose contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; telephone: 01625 545700; www.ico.gov.uk.

Yours sincerely,

Dan McGregor

Senior Policy Adviser, TV Licensing Management Team