



Freedom of Information Internal Review decision

Internal Reviewer	Allan Mackenzie Commercial Lawyer
Reference	IR2010041
Date	25 November 2010

Requested information

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

Issues on review

Withholding of information under an exemption, namely Sections 31, 40 (2) and 43 of the Freedom of Information Act 2000 (FOIA).

The requestor alleges that the information redacted would be disclosed to a customer, if asked for by the customer.

Decision

I have examined the ASK HelpScript for staff and have reviewed the information which was redacted when the BBC responded to the initial request.

Except where I have agreed that the exemptions have been improperly applied the information which was redacted is not information which the supplier's advisors would or ought to disclose to a customer even if asked to do so.

Section 31

In my opinion some of the information which has been redacted under Section 31 of FOIA would not assist members of the public seeking to evade paying for their TV Licence. Where I believe this to be the case and where Section 31 of FOIA has been wrongly applied I have requested that the information be disclosed.

Where I am satisfied that disclosure of certain information could assist evasion of collection of TV Licence fees I agree that the exemption under Section 31 of FOIA should apply. I also accept that the public interest in maintaining the exemption outweighs the arguments for disclosure for the reasons stated in the original decision letter of 20 August 2010.

Section 40(2)



I am satisfied that the information withheld under Section 40(2) of FOIA being the names and contact details of individuals working for the service provider is personal data and has been properly withheld under Section 40(2).

Section 43(2)

The information withheld under Section 43 (2) of FOIA comprises mostly of internal email addresses. I am not satisfied that the reasons given in the original decision letter fully support the use of Section 43(2).

However, disclosure of this information would allow members of the public to bypass the normal channels for contacting the supplier and disrupt the supplier's system.

Any such disruption could prejudice the commercial interests of the Supplier by increasing its costs and it could impact on the collection of TV Licence fees. I am therefore satisfied that, for these reasons, the exemption under Section 43(2) should apply to this information and that the exemption under Section 31 of FOIA should also apply.

This type of information has little intrinsic value to the public. Disclosure of this information would not hold the BBC to account in any way and would serve little purpose. I am therefore satisfied that the public interest in disclosing this information is outweighed by the public interest in withholding the information.

Appeal Rights

If you are not satisfied with the outcome of your 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 www.ico.gov.uk

Allan Mackenzie