



Information Policy & Compliance
bbc.co.uk/foi

Mr Michael Bimmler

XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXX.XXX

20 February 2009

Dear Mr Bimmler

RFI 20090164 – Freedom of Information Act request

Thank you for your email requesting information regarding the BBC's decision not to broadcast the Disasters Emergency Committee's appeal for Gaza. The reference number for your request is RFI20090164.

The information that you requested is not covered by the Freedom of Information Act 2000 ("the Act").

Your request falls outside the scope of the Act because 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" (see Schedule I, Part VI of the Act). We are not therefore obliged 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. Information which is not subject to disclosure under the Act because of Schedule I might otherwise be exempt from disclosure because of the application of other provisions of the Act.

For more information about how the Act applies to the BBC please see www.bbc.co.uk/foi. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

However, I can volunteer the following information outside the scope of the Act, regarding the circumstances surrounding the BBC's editorial decision, which I hope you will find helpful.

When there is a major humanitarian crisis, the Disasters Emergency Committee (DEC) comes together and, if it believes various criteria are met and a major public appeal is justified, asks the BBC and other broadcasters to consider broadcasting an appeal.



INVESTOR IN PEOPLE

On this occasion, after very careful consideration, the BBC decided not to broadcast an appeal for Gaza.

One reason for not broadcasting an appeal was a concern about whether aid raised by the appeal could actually be delivered on the ground. There have been considerable logistical difficulties in delivering aid into Gaza.

The BBC was unwilling to ask for donations in a situation where it could not be certain that the aid donated by its audience would reach the people who were suffering. There had been considerable difficulties with the delivery of aid historically and the situation continued to be volatile. It would have been possible to review this aspect of the decision if aid access were to improve or the ceasefire become more robust, provided that was the sole reason for turning down the request.

However, after looking at all the circumstances, the BBC also concluded that a free-standing appeal could not be broadcast, no matter how carefully constructed, without running the risk of reducing public confidence in the BBC's impartiality in its wider coverage of the story. The danger for the BBC is that this could be interpreted as taking a political stance on the ongoing story.

Gaza remains a major ongoing news story, in which humanitarian issues – the suffering and distress of civilians and combatants on both sides of the conflict, the debate about who is responsible for causing it and what should be done about it – are at the heart of the story. The BBC has and will continue to cover the human side of the conflict in Gaza extensively across the news services where all of the issues can be reported in context in an objective and balanced manner.

It is important to remember that the BBC's editorial decision not to broadcast this particular appeal does not prevent the DEC continuing with their appeal for donations and people are able to contribute should they choose to do so.

Finally, you may be interested to know that the BBC Trust has published their decision on the appeal as well as the supporting documentation that they considered. For further details please see: http://www.bbc.co.uk/bbctrust/appeals/dec_gaza_decision.html.

Appeal rights

The BBC does not offer an internal review when the information requested is not covered by the Act. 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 telephone 01625 545 700 or see www.ico.gov.uk.

Yours sincerely,

James Leaton Gray
Head of Information Policy & Compliance

