

Freedom of Information
Internal Review decision

Internal Reviewer	Douglas Marshall, Advisor, Information Policy and Compliance
Reference	IR2014077 (RFI20141319)
Date	29 October 2014

Chronology

On 16 July 2014 the applicant requested the following information under the Freedom of Information Act 2000 via the Whatdotheyknow website:

Please provide all information produced/held by the BBC that mentions or refers to the scheduled publication date of the Dame Janet Smith Review. This includes any relevant correspondence between the BBC, the BBC Trust and members of the Review team.

The BBC refused the request under section 12 of the Act, on the basis that the cost to comply with the request would exceed the appropriate limit.

On 13 August 2014 the applicant submitted a more narrowly defined request:

Please consider this as a new request on the same topic. As you might be aware, the FOIA is often described as purpose and applicant blind. This means that any member of the public can request any information and the public authority is not entitled to know the purpose/rationale of their request. In this case, as it may assist your handling of my request, I volunteer the fact that I am seeking to establish whether senior BBC staff members exerted any pressure on members of the Dame Janet Smith Review team to delay publication of the review findings.

Please provide all information contained in any correspondence between senior BBC staff members and members of the Dame Janet Smith Review team (or Counsel/Secretariat to the Review) that relates to the scheduled publication date of the review findings.

I am only seeking relevant information produced since 1st January 2013. By senior BBC staff member, I mean any member of staff named on the following BBC web page:

<http://www.bbc.co.uk/aboutthebbc/insidethebbc/managementstructure/biographies/>

Having failed to receive a response, the applicant asked for an internal review on 21 October 2014.

Issues on review

The purpose of the BBC's internal review procedure is to provide a fair and thorough review of handling issues and of decisions taken pursuant to the Act. Therefore the scope of this review is limited to examining the BBC's handling of the request and whether it complied with the Act.

Decision

The BBC was required to respond to the request no later than 11 September 2014. The BBC has not done so, and therefore it has failed to adhere to section 10 of the Act.



The BBC initially apologised for the delay, but it has failed to provide the applicant with any form of update as to when he or she can expect a response. Whilst the BBC receives a high number of requests under the Act, this does not mean that the applicant should have had to wait so long to receive a response or at least an update.

The applicant has helpfully explained why he or she has requested this information. Having made further enquiries, I can confirm that the BBC expects to be able to provide some of the requested information in the week commencing 3 November 2014.

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 0303 123 1113 or www.ico.gov.uk