

**Freedom of Information
Internal Review decision**

Internal Reviewer	Lawyer – Legal Workplace and Information Rights
Reference	IR20200052/RFI20201301
Date	19 October 2020

Requested information

On 26 August 2020 the applicant made a request for information under the Freedom of Information Act 2000 ("the FOI Act"):

"On 22nd June I submitted an FOI request (RFI20200824) asking how a member of the viewing and listening public can determine the difference between "personal" and "BBC" Twitter accounts used by BBC staff. BBC FOI invoked the "journalism, art and literature" derogation as a means to refuse an answer to my request.

On 28th July I submitted a further FOI request (RFI20201084) asking who I should contact at the BBC for some guidance on this matter. BBC FOI refused this request citing section 40(2) (personal information) as a means to withhold the information I requested.

Please provide a relevant staff position (for example, Social Media Policy Manager or similar), email address and postal address of the relevant member of BBC management who can assist me.

I affirm postal address: I may want to send a letter.

I affirm staff position: I want my letter to go to the correct person.

I affirm that I do NOT need the individual staff member's name.."

On 8 September 2020, the BBC responded to the request and applied Section 14(2) of the FOI Act:

"Under section 14(2) of the Act, we are not required to respond to repeat requests. The Information Commissioner's guidance with respect to repeat requests states that where a public authority has previously complied with a request for information,



it is not obliged to comply with a subsequent identical or substantially similar request from that person."

On 8 September 2020, the applicant requested an internal review of the BBC's decision.

"I am writing to request an internal review of British Broadcasting Corporation's handling of my FOI request 'For the third time: Personal vs BBC Twitter accounts'.

You state: "Where a public authority has previously complied with a request for information, it is not obliged to comply with a subsequent identical or substantially similar request from that person.". That all comes down, in my opinion, to the definition of the word "comply". I like this one: act in accordance with a wish or command.

I consider that in both my previous requests (RFI20200824 and RFI20201084) and in this latest one BBC FOI failed to comply.

In the first, my request was dismissed by using the "journalism, art and literature" derogation, despite me asking explicitly for your guidance under Section 16 with this request.

My second request was dismissed as, apparently, the BBC Manager responsible for social media policy has to remain anonymous under Section 40(2). To be honest, I would wish to remain anonymous in his/her position. Again, no assistance was provided under Section 16.

My third request (this one, and the sole subject of this review), therefore, asked for a the job title of the person responsible for such matters and some contact details. I specifically asked that no personal details should be revealed. A response of "You should write to the Social Media Manager, BBC House, Anytown AA1 1ZZ" would have been entirely acceptable to me.

I tried desperately to avoid the numerous pitfalls that can be used to derail my request, but you managed to find another one to again cause refusal of my request for basic information.

Once again, there was no Section 16 assistance of any kind. I note from other FOI requests the text used in many replies, viz. "We are mindful of our duty under section 16 of the Act to provide reasonable advice and assistance to you". No advice or assistance of any kind was offered or given to me.

To me, my request is for perhaps the most basic information that can be, i.e. I want to contact somebody at the BBC: Who do I contact and how do I do that? I consider



your refusal to provide that information, and without invoking Section 16 at any time, to be extremely unhelpful and certainly not in the spirit of the FOI legislation.

Please conduct your internal review forthwith and let me have your response by return. In your review, please also include BBC FOI's interpretation of Section 16 in relation to my latest request.

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/for_the_third_time_personal_vs_b."

Issues for review

This internal review examines:

- (1) Whether the BBC was correct in applying section 14(2) of the FOI Act.

Decision

I have reviewed all correspondence in this matter and the related matters referenced RFI20200824, RFI20201084 and have revised the BBC's initial position as section 14(2) does not apply.

Reasons for decision

The initial FOI request RFI20200824 requested information in relation to *'how a member of the viewing and listening public can determine the difference between "personal" and "BBC" Twitter accounts used by BBC staff.'* At the time of the request, the BBC did not hold the requested information in 'recorded' form by way of written guidance, and so, the derogation was not relevant to the request. The BBC FOI team provided the applicant with a link to the BBC's editorial guidance on the use of social media which sets out information about professional and personal activity on social media accounts.

The current guidance does not provide a definition as to what constitutes an 'official' BBC account.

Section 16 of the FOI Act – Duty to provide advice and assistance

On internal review and in accordance with Section 16 of the FOI Act, I have consulted the Editorial Policy and Standards team who have confirmed the definition of an 'official' account is understood internally as a matter of custom and practice and can be distinguished by the use of a @BBC handle. So for example; @BBC staff name is considered an 'official' account but there may be personal handles used by some BBC employees in the course of their work. The



BBC is now in the process of updating its editorial guidance on the use of social media accounts.

It should also be noted that BBC staff members who do have an official BBC social media account should use these accounts primarily in a professional capacity.

As a matter of normal practice, enquiries about policy on the use of social media can be referred to the BBC's Editorial Policy and Standards team. Questions about the appropriate use of social media by BBC employees are, as a matter of principle, referred to the appropriate division of the BBC for advice. With this in mind, please note that the information supplied in this Internal Review by the Editorial Policy and Standards team was available to BBC workers on request for advice from that division.

Section 40(2)– Personal information

The BBC applied section 40(2) of the FOI Act to your subsequent request RF120201084; *'who I should contact at the BBC for some guidance on this matter'* on the basis that your request related to information which constitutes personal data e.g. names of BBC staff. However, the FOI team should have provided you with the relevant editorial policy contact details which can be found here at: editorial.policy.adviser@bbc.co.uk

Further details can be found at the following link:

[https://www.bbc.com/editorialguidelines/contact#:~:text=Telephone%20Editorial%20Policy%3A%20020%208008,offices%20call%20\(02\)%2081819.](https://www.bbc.com/editorialguidelines/contact#:~:text=Telephone%20Editorial%20Policy%3A%20020%208008,offices%20call%20(02)%2081819.)

Section 14(2) – Repeated requests

The BBC incorrectly applied section 14(2) of the FOI Act because the BBC did not provide you with the correct responses to your previous FOI requests and therefore, the threshold at section 14(2) is not met.

Recent correspondence

In response to your recent email dated 16 October 2020, the Information Commissioner's Office guidance at paragraph 84 in the FOI code of practice which can be found here: <https://ico.org.uk/media/for-organisations/documents/1624144/section-45-code-of-practice-request-handling-foia.pdf> permits organisations a period up to 40 days to process



requests in exceptional circumstances. In this instance, we needed to liaise with several senior editorial figures to confirm our response.

I hope this response resolves your concerns and has provided you with the information you originally requested.

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