



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Jason Burns

request-534582-a6eaaa2b@whatdotheyknow.com

20 December 2018

Dear Jason Burns,

Freedom of Information request – RFI20182164

Dear Mr Burns

Thank you for your Freedom of Information (FOI) Request dated 23 November 2018:

“I am especially concerned about foreign people syphoning money out of the UK by using your copyrighted content.

I think all copyright infringement at least somewhat immoral but it seems you are focused on Brits and are not taking enough action to stop people abroad.

Therefore, I would like to know if you have made a DMCA request to takedown this domain, page or stream? Or to have it removed from Google Search?

[www\[dot\]firstonetv.net/Live/United-Kingdom/BBC-One-4](http://www[dot]firstonetv.net/Live/United-Kingdom/BBC-One-4)

(Added [dot] instead of a "." To prevent hyperlink for more anonymity)

I understand you may say you dont want to comment if there is an ongoing criminal investigation but that is starting to seem more like a default answer to such questions rather than specifically about certain cases of infringement. If there is such an investigation it seems so open-ended, since it must have existed for as long as the site has been there (years). So therefore probably not fair to use that as a reason not to reply to this request, in my opinion.

Have read that you don't mind as much, so to speak. If the site is not monetising but they both have ads and sell monthly ad-free access. This is so easy to trace for an institution like yours.

Would think this information request to be in the public's best interest.

There are avenues of recourse other than such expensive actions as suing infringers. Including, proper DMCA reporting and also requesting the content be removed from Google Search. Which surely would just be one email since it would be from an authority as yourself.

Not making a threat of course as I am actually trying to protect our investment as taxpayers in the BBC but I would like to remind you that you have a duty to protect your copyright and trademarks. In fact, to keep them you have to, I believe.”

Before addressing your specific query, it might be helpful to set out the BBC's general approach to the enforcement of its copyright. Due to the sheer volume of content online the BBC cannot 'police' the internet; as such we do not actively search the internet to identify content that infringes the BBC's copyright. Instead we take action, if appropriate, when we receive instructions from internal BBC clients or when we receive complaints or notifications from members of the public regarding our content being posted or used without permission.

Please be advised that the Freedom of Information Act gives a general right of access to recorded information held by public authorities. We are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded. Comments, concerns and complaints regarding the BBC's general activities, are more appropriately made via this section of our website:

<http://www.bbc.co.uk/complaints/>

Regarding the website located at <https://www.firstonetv.net>, we note that it is making available a significant amount of live television broadcasts, including those of other UK (and non-UK) broadcasters. We are not aware that the website has in place a valid licence to make live BBC television broadcasts available online. Having made reasonable enquiries with the relevant internal legal teams, it would appear that the BBC has not previously submitted a DMCA take down notice or a Google search removal request in relation to the page located at: www.firstonetv.net/Live/United-Kingdom/BBC-One--4.

Appeal Rights

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 your reference number. If you are not satisfied with the 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, Tel: 0303 123 1113 (local rate) or +44 1625 545 700 (national rate) or see <http://www.ico.org.uk/>

Yours sincerely,

Information Rights

BBC Freedom of Information
BC2 A4, Broadcast Centre
201 Wood Lane
London W12 7TP



Freedom of Information

From January 2005 the Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Act also sets out exemptions from that right and places a number of obligations on public authorities. The term “public authority” is defined in the Act; it includes all public bodies and government departments in the UK. The BBC, Channel 4, S4C and MG Alba are the only broadcasting organisations covered by the Act.

Application to the BBC

The BBC has a long tradition of making information available and accessible. It seeks to be open and accountable and already provides the public with a great deal of information about its activities. BBC Audience Services operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website bbc.co.uk provides an extensive online information resource.

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The Act does not apply to the BBC in the way it does to most public authorities in one significant respect. It recognises the different position of the BBC (as well as Channel 4 and S4C) by saying that it covers information “held for purposes other than those of journalism, art or literature”. This means the Act does not apply to information held for the purposes of creating the BBC’s output (TV, radio, online etc), or information that supports and is closely associated with these creative activities.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact BBC Audience Services.

The Act does apply to all of the other information we hold about the management and running of the BBC.

The BBC's aim is to enrich people's lives with great programmes and services that inform, educate and entertain. It broadcasts radio and television programmes on analogue and digital services in the UK. It delivers interactive services across the web, television and mobile devices. The BBC's online service is one of Europe's most widely visited content sites. Around the world, international multimedia broadcaster BBC World Service delivers a wide range of language and regional services on radio, TV, online and via wireless handheld devices, together with BBC World News, the commercially-funded international news and information television channel.

The BBC's remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the Ofcom (the BBC’s independent regulator) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. Ofcom also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament.