



Information Policy & Compliance
bbc.co.uk/foi

Mr M Meaney
By email: request-45942-xxxxxxx@xxxxxxxxxxxxxxxxxxm

20th September 2010

Dear Mr Meaney,

Freedom of Information request – RF120101167

Thank you for your request to the BBC of 30th August, seeking the following information under the Freedom of Information Act 2000:

- “1) How times have you been issued a DA-Notice in 2009 and 2010?*
- 2) How many times have you complied with the request in 2009 and 2010?*
- 3) For what reason has each DA-Notice been issued in 2009 and 2010?”*

The DA Notice system is a voluntary one and Notices are not served on media organisations. DA Notices are not normally issued for specific incidents, rather there are five standing Notices that offer guidance on security issues; these notices are available on the Committee's website at: www.dnotice.org.uk/. In the event that the media intends to publish information that might fall into the areas covered by the notices, they can either consult with the Committee Secretary or the Secretary may offer advice proactively. The Committee minutes summarising the amount of advice the Secretary has issued are published on the following website: <http://www.dnotice.org.uk/records.htm>.

Note that the detail of any such communications with the Committee Secretary and information relating to whether we have complied with this advice is excluded from the Act because it is held for the purposes of ‘journalism, art or literature.’ Part VI of Schedule 1 to FOIA provides that 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”¹. The BBC is not required by the Act 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.

We hope you find this information helpful.

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. <http://www.ico.gov.uk>

Yours sincerely,

Rachael Ward
Adviser, Information Policy and Compliance

¹ For more information about how the Act applies to the BBC please see the enclosure at the end of this letter. **Please** note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

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 and S4C are the only broadcasters 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 Information 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 Information](#).

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

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 Europe's most widely visited content site. Across the world, the BBC broadcasts radio programmes in 32 languages on the BBC World Service and the 24 hour television service, BBC World News.

The BBC's remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the BBC Trust to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament. The Trust is supported by a network of advisory bodies across the UK.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.