

Freedom of Information Internal Review decision

Internal Reviewer	Chantelle Taylor, Advisor, Information Policy & Compliance
Reference	IR2014040 (RFI20140896)
Date	1 July 2014

Requested information

The applicant wrote to the BBC on 2 June 2014 requesting the following information under the Freedom of Information Act 2000:

"I would like to know a few things;

1) Which law (non-statute) am I obliged by to pay your private company money.

2) WHY you want me to pay this fee.

3) You DEMAND that I make payments or I will face legal action, can I see my contract?

If yes, I await to see it.

If no, can I demand money from you and threaten you with legal action?

Before you reply, I'd like to point out that a statute law is maritime law, law of the water, and I'm sorry to say I don't live on water. Hence why this is not applicable to me.

Yours faithfully,

Somebody looking for the truth."

The applicant did not provide his name and following correspondence with the BBC, he went on to provide it on 5 June 2014, which the BBC acknowledged as the date of receipt of his request.

BBC's response

The BBC responded to the applicant's response on 11 June 2014 and explained, amongst other things, that the information requested under questions 1-3 were already available in the public domain. The BBC directed the applicant to the TV licensing URL accessible [here](#). The BBC also explained that under the Act, it is not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

Issues on review

The applicant wrote to the BBC requesting an internal review (again not including any form of his name) on 11 June 2014. The applicant asserted the following:

"Thankyou for your response, although I do not see this as complete.

1) You have FAILED to tell me under what Law, that is not a statute, I am obliged to pay this.

The Law of the Land, Common Law, is the only law. No Law can supersede this Law, and it cannot be forgotten or re-written. The UK is Common Law operated, and Statute Law has no lawful standing. Since Common Law is the Law of the Land, Statute law is therefore Law of the Water (Maritime Law)

2) You have FAILED to tell me what you have given up / done in order to gain this money,

3) You seem to think I have an obligation to this, can you show me these obligations?"

Decision

I agree with the BBC's original response to this request and my analysis is set out below.

In reaching my decision I have reviewed the applicant's request and subsequent assertions; the BBC's response; and guidance from the Information Commissioner's Office ('ICO').

Background

The Freedom of Information Act 2000 ('the Act') is a statute providing public access to information held by public authorities. The Act allows this in two ways:

- a) Public authorities (e.g. the BBC) are obliged to publish certain information about their activities; and
- b) Members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002. More information on the Act and the rights it gives to members of the public can be found on the ICO's website [here](#).

The BBC's response explained that if the applicant was not satisfied that its response complied with the Act, then he had a right to request an internal review by a BBC senior manager or legal advisor. To do this, the applicant was advised to explain what he would like the BBC to review under the Act. As a result, the applicant then wrote to the BBC explaining that he believed that the BBC's response was incomplete and made a number of other assertions.

I would point out that the applicant did not explicitly state that he would like an internal review. However, given he wrote to the BBC upon receipt of its response; he stated that the BBC's response was incomplete; and made a number of other assertions, I believe it reasonable to presume that the applicant would like an internal review of the BBC's response on the basis that he felt it was incomplete.

Information previously provided – Question 1 to 3 of 2 June 2014 request

The crux of the applicant's request is related to the reasoning behind the licence fee. The BBC responded by explaining that the information was publicly available but also provided a URL to the relevant information (as above).

I have reviewed this URL and note that it contains the following questions relevant to the applicant:

- a) Why do I need a TV Licence?; and
- b) Is the issue of a TV Licence covered by consumer law?

In my opinion, the answers detailed under these questions sufficiently responded to the applicant's queries. I would also point out that as the information was already published and accessible, it was exempt from disclosure under section 21. In that regard, I believe the BBC provided the applicant with the requested information and complied with the Act (under which the request was made).

Information requested – Question 1 to 3 of 11 June 2014 request

Whilst I do not presume to know the applicant's beliefs/opinion, it is clear from his original request and subsequent request for an internal review, that he draws a distinction between acts/statutes and common law. This is because he stated that "I'd like to point out that a statute law is maritime law, law of the water, and I'm sorry to say I don't live on water. Hence why this is not applicable to me" therefore explaining that he is not subject to statute. Notwithstanding this, I note that the applicant elected to use his right as a member of the public to make a request for information under an act/statute.

As explained above, the Act relates to the provision of information. As a result, the scope of this review is limited to considering whether the BBC provided the information requested by the applicant. I would stress (as was previously explained to the applicant in the BBC's response) that the ICO's detailed guidance, *The Guide to Freedom of Information*¹, explains that whilst a public authority may have to draw information from multiple sources, it is under no obligation to create new information (or give an opinion or judgement) if it does not already have the relevant information in recorded form.

In light of the above, and given the BBC has already provided information pertaining to the TV Licence fee, I do not believe it pertinent to enter into discussion regarding the differing views relating to acts/statutes and common law. Furthermore, as I am not obliged to give an opinion or judgement on this under the Act, I will not do so.

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

¹http://ico.org.uk/for_organisations/freedom_of_information/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/guide_to_freedom_of_information.pdf