



Information Rights

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

Mr Mark Smith

Sent via email only: request-801656-3a7d97b8@whatdotheyknow.com

18 November 2021

Dear Mr Smith,

Freedom of Information request – RFI20211601

Thank you for your request to the BBC of 21 October 2021 for the following information, which we are treating as a request under the Freedom of Information Act 2000 ('the Act'):

"[...] a copy of the invitation to tender for the logo redesign as referenced on BBC news <https://www.bbc.co.uk/news/entertainment-arts-58970323>

If the invitation to tender is available online, please provide a link to the invitation to tender.

If an ITT was not issued, please provide any documents outlining the decision why competitive tendering was not required."

We can confirm we hold information relevant to your request. However, we consider this information to be exempt from disclosure under section 43(2) of the Act as disclosure would be likely to prejudice the commercial interests of the BBC or a third party or both.

As section 43 is a qualified exemption, the BBC is required by section 2(2) of the Act to consider the public interest factors both for and against disclosing information in relation to this request. Specifically, we looked at whether in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Factors in favour of disclosing this information:

- enables the licence fee payer and the public in general to know whether the BBC is using public money effectively, and whether the BBC is getting value for money when purchasing goods and services;
- enables the public to know whether the BBC's commercial activities (including the procurement process) are conducted in an open and honest way.

Factors for withholding disclosure of this information:

- prejudice to the negotiating position of the BBC (and/or a third party) in ongoing contractual negotiations; and
- weakening of the BBC's bargaining position with suppliers of goods and services (which may in turn weaken a third party supplier's bargaining position with other customers).

In light of the above, we are, in terms of section 2 of the Act, of the view that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

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 or see <https://ico.org.uk/>.

Yours sincerely,

BBC Information Rights

BBC Legal