



Information Policy & Compliance
bbc.co.uk/foi

Kevin Osborne

By email: request-46119-b0dbexxx@xxxxxxxxxxxxxxxxxxm

5th November 2010

Dear Mr Osborne,

Freedom of Information Act 2000 – RF120101181

I refer to your email of 30th September, which you headed as a request for an internal review and requested that we supply: *“the FULL costs including legal fees, staff time & associated work... not just the cost of the court case.”*

Firstly, we apologise for incorrectly interpreting your original request. We now provide below, the information relating to the “full costs”. Please note that we have not conducted an internal review at this stage as we are willing to release the information you seek. However, if you still wish us to conduct an internal review then please write to us at the address above stating precisely what you would like a review of.

The position as at the date of your request remains that the legal costs incurred by the BBC in pursuit of the injunction against HarperCollins Publishers Ltd, Ben Collins and Collins Autosport Ltd are £37.50, i.e. half the cost of issuing the application.

In relation to internal legal costs to the BBC, I can confirm that BBC Litigation does not calculate or hold information on the internal costs of particular cases. The BBC does record the number of internal solicitor hours worked by members of BBC Litigation on each case. For certain internal purposes the BBC Legal department uses a nominal hourly rate representing the value of one “legal” hour to the BBC - this includes overheads and non-solicitor personnel time. However, this nominal hourly rate is not actually charged to departments in the BBC.

I can therefore confirm that the BBC does not (and will not) hold a specific figure representing the internal legal cost to the BBC of dealing with this case, as it would not be possible to break out the element of this nominal rate which relates specifically to solicitor time spent on the case, as opposed to overheads which would nonetheless have been incurred by the BBC.



INVESTOR IN PEOPLE

However, the BBC has produced a Schedule of Costs which shows the costs that BBC Litigation is seeking to recover. This includes hourly costs for members of the BBC Litigation team, dependent upon their level of qualifications. These hourly costs are not the same as the nominal hourly rate referred to above. The hourly costs and the bands into which BBC Litigation staff fall are set not by the BBC, but by the courts.

The Schedule of Costs also includes the fees agreed with external counsel, although invoices confirming these amounts have not yet been received or paid.

The Schedule of Costs is attached. Please note we have redacted the names of members of the BBC's Litigation team, under section 40(2) (personal information). Personal information about living individuals is exempt if disclosure to a third party would breach one or more principles of the Data Protection Act 1998. As the individuals concerned do not expect their personal information to be disclosed in this context, to do so would be unfair; therefore, disclosure would breach the First Data Protection Principle, fairness.

At the hearing on Monday 4th October 2010 at which judgment was handed down, Mr Justice Morgan refused the Defendants' application for their costs to be paid by the BBC and ordered that the issue of costs should be reserved to the trial judge. The amount of costs therefore remains to be decided.

We hope this information satisfies your request.

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, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

Yours sincerely,

Rachael Ward
BBC Information Policy and Compliance