

From: FOI-Enquiries@ico.gsi.gov.uk
Sent: 28 July 2008 14:57
To:
Cc: FOI Enquiries
Subject: FS50176386: [Ref. FS50176386]

28th July 2008

Case Reference Number FS50176386

Dear

I am writing to you because the ICO has been asked by to review a decision taken by the BBC under the Freedom of Information Act 2000 (the "Act"). This case has now been allocated to me and I am contacting you for some more information about this matter.

requested the following information on 20 July 2007:

"I refer to the BBC's Trust's publication entitled From Seesaw to Wagon Wheel: Safeguarding Impartiality in the 21st Century. Page 40 (para.6) of this document refers to a 'high level seminar with some of the best scientific experts'. Please will you provide me with the following information about this seminar including copies of information that you hold in the form of paper and electronic records, including emails. The seminar that I am referring to should not be confused with the "Impartiality: Fact or Fiction" event that is also referred to in the report:

- 1. What was the name given to this seminar?*
- 2. Where and when was this seminar held?*
- 3. When did the seminar start and when did it end?*
- 4. A copy of the invitation sent to prospective participants*
- 5. The agenda for the seminar together with any notes that were provided for the participants*
- 6. The names of all those who were invited to attend the seminar as participants, observers or in any other capacity together with their job description, organisational affiliation's or any other information relation to their eligibility for being invited to be present*
- 7. The names of all those who attended the seminar as participants, observers or in any other capacity together with their job description, organisational affiliation's or any other information relation to their eligibility for being present*
- 8. Any minutes, notes, electronic communications, recorded material or other records of the proceedings of the seminar.*

The BBC responded on 21 August 2007 providing the complainant with the information requested in 1, 2, and 3 of the request but refusing to disclose the remaining information stating that they considered that the information requested fell into the category defined by the derogation and was, therefore, outside the scope of the Act. They confirmed that, as the request was not considered to be within the scope of the Act, an internal review was not being offered and that the complainant's route of appeal was to the Commissioner.

Following an initial review of this case, I think it is likely that some or all of the information withheld is environmental information as defined by the Environmental Information Regulations (EIR). I have noted that the BBC's position is that it is not covered by the EIR but deals with request for

environmental information under the Act. I also noticed that the BBC explained in response to a previous FOI request that it had sought legal advice on its position regarding EIR.

I would be grateful if the BBC could explain in detail why it considers that it is not covered by the EIR and also comment as to whether it considers the information withheld is environmental. I would also appreciate if the BBC could consider disclosing to the Commissioner the legal advice received on the EIR and the BBC to assist us in determining the BBC's position as a public authority under the EIR.

In order to determine if the information is environmental, the Commissioner needs to be able to review the withheld information. I would therefore be grateful if a copy of the withheld information is sent to me.

In order to ensure that we can deal with this complaint as quickly as possible for the benefit of all parties I would also appreciate if you could provide me with further arguments to support the BBC's application of the derogation, and without prejudice for alternative arguments under the Act / EIR.

I would appreciate if you could response as soon as possible and no later than 20 working days from receipt of this letter. If you have any further questions or require any further assistance please do not hesitate to contact me.

Yours sincerely

Senior Complaints Officer
Information Commissioner's Office

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