



Information Policy & Compliance
bbc.co.uk/foi

David Hansen
request-768xxxxxxxxx@xxxxxxxxxxxxxxxxxxx

25 February 2009

Dear Mr Hansen,

Freedom of information request – RFI20090251

Thank you for your request received on 04 February 2009 seeking information about the BBC. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”).

In your message you asked the following:

The BBC sends out a vast amount of junk mail to those who have decided not to take out a subscription for its services. This marketing junk mail is sent out monthly and is designed to intimidate and cause distress and harassment to those who have not taken out the BBC subscription.

*Many councils are now encouraging a zero waste policy and one of the parts of such a policy is registering with the MPS
http://www.mpsonline.org.uk/mpsr/mps_choose_type.html to reduce or stop this sort of marketing junk mail.*

Examples of the BBC's marketing junk mail are available at <http://www.bbctvlicence.com>.

Does the BBC screen its marketing junk mail against the MPS list, so that those who do not wish to receive marketing junk mail are not bombarded with this rubbish?

BBC “junk mail”

I assume from your question you are referring to licence enforcement letters which are sent by the BBC’s agent, TV Licensing, to unlicensed addresses. However, please contact me again if this is not the case.



I should highlight that "TV Licensing" is a trading name used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to Revenues Management Services Ltd (RMS). PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. The marketing and public relations activities are contracted to the AMV Consortium. The consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Limited, PHD Media Limited and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I can confirm that the BBC does not screen TV Licensing's monthly mailings against the list you refer to in your query. This is because the Mailing Preference Service only exists, as you know, to enable consumers to have their names and home addresses in the UK removed from or added to direct mail lists which are in use in the UK. TV Licensing's monthly letters, however, do not constitute "direct mail".

You may be aware that section 11 of the Data Protection Act provides individuals with the right to prevent direct marketing. Section 11(3) of that Act specifically defines direct marketing as "the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals." TV Licensing's monthly mailings are not captured by this definition, since they are not advertising or marketing material.

As you may know, you need a TV Licence to use any television receiving equipment such as a TV set, digital box, DVD or video recorder, PC, laptop or mobile phone to watch or record television programmes as they're being shown on TV. Section 363 of the Communications Act 2003 provides that it is an offence to install or use a TV receiver without a TV Licence and for a person to possess or have a TV receiver under his/her control which s/he knows or has reasonable grounds to believe will be installed or used by another person without a TV Licence.

The BBC has a legal responsibility to enforce the TV Licensing regime. This responsibility arises as a consequence of its powers to issue TV Licences (section 364 of the Communications Act 2003) and to collect and recover TV Licence fees (section 365 of the Communications Act 2003). This responsibility was expressly confirmed by the Home Office in 1991, the year in which the BBC became the statutory authority.

In accordance with this responsibility, TV Licensing's monthly mailings are therefore sent to unlicensed properties listed on the TV Licensing database in order to enquire as to whether a licence is needed and, if so, to remind occupants of their legal requirements. They also provide an opportunity for individuals to inform TV Licensing if they do not use TV receiving equipment.

BBC "subscription"

As noted above, the TV Licence is a legal permission to install or use television receiving equipment to watch or record television programmes, as they are being shown on TV.

I should emphasise that the legal requirement to be licensed applies regardless of which television channels a person receives or how those channels are received. The licence fee is therefore not a "subscription" payment for BBC services (or any other television service), although licence fee revenue is used to fund the BBC.

The mailings sent by TV Licensing are just one mechanism used to enforce the TV Licensing scheme. Visits also provide TV Licensing with information on whether an address is unoccupied or derelict, or whether there is no TV on the premises. TV Licensing also deploys detection equipment to identify evaders, although only when other more cost-effective routes have been exhausted.

Appeal rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, 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/>

I hope this response is helpful.

Yours sincerely,

Natalie Sanderson
Policy Adviser
BBC TV Licensing Management Team