

**Freedom of Information  
Internal Review decision**

Internal Reviewer	Jim McKenzie, Advisor – FOI and Contentious Data Protection
Reference	IR2016060 (RFI20160005)
Date	19 August 2016

**Background**

On 2 January 2016 the BBC received a request for the following information under the Freedom of Information Act 2000:

*Please furnish me with a copy of the Monthly Performance Pack for the last 3 years and also the 10 day report.*

On 29 January 2016 the BBC wrote to the applicant to confirm in accordance with section 1(1) of the Act that it held information relevant to the request and that it considered that the exemptions in section 31 and section 43(2) were applicable to the requested information. The BBC also explained that it needed additional time to consider the balance of the public interest.

On 5 July 2016 the BBC provided the applicant with its response. The BBC provided copies of the year end Service Review Pack (formerly known as the Monthly Performance Pack) for the years 2012/13, 2013/14 and 2014/15. The BBC also confirmed that it was withholding some information under sections 31(1)(a),(b),(d) and (g) and (2)(a), and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

On 24 July 2016 the applicant requested an internal review:

*In my original request email dated 2nd Jan I asked "Please furnish me with a copy of the Monthly Performance Pack for the last 3 years and also the 10 day report." I expected this to include year Apr 2015 - May 2016 which is the most recent year. Please could you provide this information and let me know why this wasn't included when it was requested?*

**Issue on review**

The issue to be considered on review is whether the BBC has complied with its obligations under section 1 of the Act in not providing the applicant with a copy of the year end Service Review Pack for 2015/16.

**Decision**

I uphold the BBC's original response.

**Analysis**

Section 1(4) of the Act provides that the information to be communicated to the applicant 'is the information in question held at the time when the request is received'. At the date of the applicant's request, 2 January 2016, the BBC did not hold a copy of the Service Review Pack for 2015/16. Accordingly, it was not obliged to provide the applicant with a copy.



In any event, the applicant has now asked for a copy of the Service Review Pack for 2015/16 and I understand that the BBC is in the process of preparing its response.

### **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 0303 123 1113 (local rate) or 01625 545 745 (national rate) or email [casework@ico.org.uk](mailto:casework@ico.org.uk).