



Information Rights

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

Louisa Woodward

Via email: request-469851-713eb4b0@whatdotheyknow.com

09 April 2018

Dear Louisa Woodward

Request for Information – RFI20180451

Thank you for your request of 10th March 2018 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"This request is regarding the announcement of payment plans for TV licences as described here <https://www.gov.uk/government/news/new-payment-plans-for-licence-fee-to-be-trialled>

The article states

"The trial plan will only be available to certain groups of customers:

- 1. people who have sought debt advice from certain charities*
- 2. those who have previously held a licence which was recently cancelled because of missed payments*
- 3. people who have been questioned under caution for TV licence fee evasion"*

Two charities named "Christians Against Poverty" and "Money Advice Trust" indicate that they will be working with TVL with regard to the new scheme.

With regard to 1. -

Please provide under the FOIA a full and unredacted list of all the charities or debt organisations who have been approached about working with TVL under this scheme.

Please provide a full and unredacted list of all those who have formally agreed to do so.

Please provide information about how data will be shared under such agreements especially with regard to obtaining the informed consent of individuals whose data will be shared, the security of such data in transit and storage and specifically what information about the individuals will be shared with TVL, how it will be used and how long it will be retained.

Please state whether the charities or organisations concerned will be instructed to advise the individuals concerned of the legal alternative of simply not watching live broadcast Tv or iPlayer and therefore not requiring a TV licence?

With regard to 3. -

My question concerns specifically those who are legally unlicensed because they do not watch broadcast television or BBC iPlayer. Such individuals may have been interviewed under caution but there is no evidence or any REASONABLE grounds to suspect TV licence evasion. (The simple fact of not having a TV licence is not reasonable grounds to suspect evasion in view of the multiplicity of alternative choices such as Netflix that are now available and do not require a TV licence).

*Does TVL process private data about such individuals?
What data is retained, for how long and for what purpose?*

Since such individuals are not customers of TVL/BBC and are not licence evaders please explain specifically how the processing of data about such individuals, and the use of such data for what is essentially the marketing of a new payment scheme for licenseable entertainment content, is compliant with the General Data Protection Regulation (GDPR).

I would remind you that, unlike the old condition for processing data for functions of a public nature in Schedule 2 of the Data Protection Act 1998, The public task basis in Article 6(1)(e) of the GDPR says that the relevant task or function must have a clear basis in law. There is no basis in law or statute for TVL to have any non-consensual relationship whatsoever with the legally licence free."

Please note that "TV Licensing" is a trade mark 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 ('Capita'). Over-the-counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Target Group ('Target') is the supplier for the Simple Payment Plan trial. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Media Planning Limited trading as Havas Media UK. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

Firstly, please be advised that the Act gives a general right of access to all types of recorded information held by public authorities; and we are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

I shall address your requests in turn below.

Please provide under the FOIA a full and unredacted list of all the charities or debt organisations who have been approached about working with TVL under this scheme.

Please provide a full and unredacted list of all those who have formally agreed to do so.

Debt advice charities which are permitted to refer individuals to the TV Licensing Simple Payment Plan are explicitly specified by legislation, namely the Communications (Television Licensing) (Amendment) (No. 2) Regulations 2018. As this information is already in the public domain, may I refer you to the published source below, pursuant to section 21 of the Act (information freely available elsewhere):

<http://www.legislation.gov.uk/uksi/2018/339/regulation/4/made>

Please provide information about how data will be shared under such agreements especially with regard to obtaining the informed consent of individuals whose data will be shared, the security of such data in transit and storage and specifically what information about the individuals will be shared with TVL, how it will be used and how long it will be retained.

The arrangements outlined in the legislation signposted above do not involve any sharing of data because the debt advice charities will refer people to TV Licensing directly.

Please state whether the charities or organisations concerned will be instructed to advise the individuals concerned of the legal alternative of simply not watching live broadcast TV or iPlayer and therefore not requiring a TV licence?

This is not a request for recorded information. However, I can tell you outside the scope of the Act that all debt advice charities listed in the legislation are aware of when a licence is required; and TV Licensing works with them closely, providing additional information on relevant payment schemes where appropriate.

With regard to 3. -

My question concerns specifically those who are legally unlicensed because they do not watch broadcast television or BBC iPlayer. Such individuals may have been interviewed under caution but there is no evidence or any REASONABLE grounds to suspect TV licence evasion. (The simple fact of not having a TV licence is not reasonable grounds to suspect evasion in view of the multiplicity of alternative choices such as Netflix that are now available and do not require a TV licence).

Does TVL process private data about such individuals?

What data is retained, for how long and for what purpose?

By way of background, the BBC is responsible under the Communications Act 2003 for administering and enforcing the television licensing system. It is essential for us to process personal data relating to customers in order to fulfil this task; our legal basis for doing so is that this is a task which is carried out in the public interest. TV Licensing collects the minimum amount of customer information needed, to administer the system efficiently and effectively, and retain it only for so long as is necessary for that purpose. For more information about our approach to processing personal data please refer to the TV Licensing Privacy Policy which is available on the TV Licensing website at <http://www.tvlicensing.co.uk/privacy-security-policies>.

Please be advised that people who don't need a licence will not be questioned under category 3. In accordance with the BBC TV Licensing No Licence Needed ('NLN') Policy, if people do not use any device to watch or record television programmes as they are being shown on TV or live on an online TV service, and to download or watch BBC programmes on demand, including catch up TV; they can contact TV Licensing to make an NLN claim. Further information about NLN, including a link to the policy itself, is available on the TV Licensing website at <http://www.tvlicensing.co.uk/check-if-you-need-one/topics/how-to-tell-us-you-dont-watch-tv-top12>.

I would remind you that, unlike the old condition for processing data for functions of a public nature in Schedule 2 of the Data Protection Act 1998, The public task basis in Article 6(1)(e) of the GDPR says that the relevant task or function must have a clear basis in law. There is no basis in law or statute for TVL to have any non-consensual relationship whatsoever with the legally licence free.

Whilst this is a comment rather than a request for recorded information, I can tell you outside the scope of the Act that there is no legal obligation for people to inform TV Licensing whether or not they are watching or recording TV as it is being shown. However, in order to ascertain whether a licence is needed, we will continue to write to and visit unlicensed addresses which have not responded to our communications. Where people do inform us, we will minimise our contact with them in accordance with our NLN Policy.

Appeal Rights

If you are not satisfied that the BBC has 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 under the Act 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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.org.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

Freedom of Information

From January 2005 the Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Act also sets out exemptions from that right and places a number of obligations on public authorities. The term “public authority” is defined in the Act; it includes all public bodies and government departments in the UK. The BBC, Channel 4, S4C and MG Alba are the only broadcasting organisations covered by the Act.

Application to the BBC

The BBC has a long tradition of making information available and accessible. It seeks to be open and accountable and already provides the public with a great deal of information about its activities. BBC Audience Services operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website bbc.co.uk provides an extensive online information resource.

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The Act does not apply to the BBC in the way it does to most public authorities in one significant respect. It recognises the different position of the BBC (as well as Channel 4 and S4C) by saying that it covers information “held for purposes other than those of journalism, art or literature”. This means the Act does not apply to information held for the purposes of creating the BBC’s output (TV, radio, online etc), or information that supports and is closely associated with these creative activities.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact BBC Audience Services.

The Act does apply to all of the other information we hold about the management and running of the BBC.

The BBC

The BBC's aim is to enrich people's lives with great programmes and services that inform, educate and entertain. It broadcasts radio and television programmes on analogue and digital services in the UK. It delivers interactive services across the web, television and mobile devices. The BBC's online service is one of Europe's most widely visited content sites. Around the world, international multimedia broadcaster BBC World Service delivers a wide range of language and regional services on radio, TV, online and via wireless handheld devices, together with BBC World News, the commercially-funded international news and information television channel.

The BBC's remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the BBC Trust (the sovereign body within the BBC) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.