



Information Policy & Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)      [bbc.co.uk/privacy](http://bbc.co.uk/privacy)

Mr Gareth Brading  
Via email: [request-461371-1eede474@whatdotheyknow.com](mailto:request-461371-1eede474@whatdotheyknow.com)

06 February 2018

Dear Mr Brading

### **Freedom of Information request – RFI20180175**

Thank you for your request to the BBC of 31 January, 2018, seeking the following information under the Freedom of Information Act 2000 (“the Act”):

*“Under the terms of the Freedom of Information Act 2000, I am writing to ask for the following information, namely:*

*\* Total number of complaints received in regard to edition of Panorama broadcast on 7th September 2015, titled "Jeremy Corbyn: Labour's Earthquake".*

*Following recent guidance from Ofcom (as detailed here: [https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0025/1106855/bbc-complaints-handling-determination.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0025/1106855/bbc-complaints-handling-determination.pdf)), the BBC is now required to release the number of complaints made regarding individual programmes on a fortnightly basis. Therefore, I believe there is now no reason why the BBC should withhold the number of complaints made against this programme, given the BBC previously claimed an exemption under the Freedom of Information Act against this information.*

*I am not interested in the content of the complaints, just the total number of complaints made about the programme. If the BBC received less than 100 complaints about this programme, please indicate this is the case, otherwise please provide total number of complaints.*

*The BBC should still hold this information, as in line with Ofcom guidance it must retain records of the handling of relevant complaints for a minimum of five years, and this programme was broadcast under three years ago.”*

The information that you have requested is excluded from the Act because it is held for the purposes of “journalism, art or literature.” The BBC is therefore not obliged to provide this information to you and will not be doing so on this occasion. Part VI of Schedule 1 to the Act provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for “purposes *other* than those of journalism, art or literature.” The BBC is not required to supply information held for the purposes of creating the BBC’s output or information that supports and is closely associated with these creative activities.<sup>1</sup>

The BBC makes a wide range of information available about our programmes and content on [www.bbc.co.uk](http://www.bbc.co.uk). We also proactively publish information covered by the Act on our publication scheme and regularly handle requests for information under the Act.

## **Appeal Rights**

The BBC does not offer an internal review when the information requested is not covered by the Act. If you disagree with our decision 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 <https://ico.org.uk>.

Please note that should the Information Commissioner’s Office decide that the Act does cover this information, exemptions under the Act might then apply.

Yours sincerely

## **Information Rights**

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<sup>1</sup> For more information about how the Act applies to the BBC please see the enclosure which follows this letter. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

# 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 and S4C are the only broadcasters 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 Information operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website [bbc.co.uk](http://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](http://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 Europe's most widely visited content site. Across the world, the BBC broadcasts radio programmes in 33 languages on the BBC World Service and the 24 hour television service, BBC World.

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 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. The Trust is supported by a network of advisory bodies across the UK.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. The BBC 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.