

**Freedom of Information
Internal Review decision**

Internal Reviewer	Lawyer – BBC Workplace and Information Rights
Reference	RFI20171839/IR2018003
Date	25 January 2018

Requested information

On 8 December 2017 Mr Nicholas Wilson (“**the applicant**”) made a request for information under the Freedom of Information Act 2000 (“**the FOIA**”) via the website [whatdotheyknow](http://whatdotheyknow.com) for the following information:

Can you tell me if the BBC generally or any department or person is bound by the Official Secrets Act. If so, could you please identify who is covered.

I have not asked who has 'signed' the Official Secrets Act (as I understand it signing is not necessary anyway) but whether any particular department or person (as in class of person) is bound by the act.

On 11 January 2018 the BBC responded, explaining that:

No department as a whole or ‘class of person’ is required to sign the Official Secrets Act.

On the same day, the applicant requested an internal review of the BBC’s response be conducted:

Thank you for reply, which is frankly ridiculous. I said I had not asked "who has signed the Official Secrets Act" and you reply that nobody has signed the Official Secrets Act.

Please stop trying to be clever and give me a proper response to my request.

Issue for review

This review considers whether the BBC acted consistently with its duty under section 1 of the FOIA to be informed of whether the BBC holds the requested information, and if so, to communicate the requested information held by the BBC. The provision provides that;

Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

Analysis

On review of the BBC's response to the applicant and after liaising with the relevant team within the BBC, the BBC's Information Security Governance team, I can confirm that the BBC does not hold the requested information. There is no central record held by the BBC of who may be bound by the Official Secrets Act. This is due to the nature in which non-Government employees may be 'bound' by the Official Secrets Act.

This review acknowledges that the applicant has not requested information about individuals who have 'signed' the Official Secrets Act. As you are aware, section 7 of that Act provides that non-government employees may be bound by the Act in some circumstances, despite not signing the Act.

As explained, in reviewing the BBC's original decision, the reviewer liaised with the relevant division of the BBC. This division is the appropriate division of the BBC to contact regarding whether such information is held by the BBC.

Appeal

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 01625 545 700 or www.ico.gov.uk