

Freedom of Information Internal Review decision

Internal Reviewer	Nicola Cain, Head of Legal – Freedom of Information & Contentious Data Protection
Reference	IR2016103 (RFI20161882)
Date	16 January 2017

Requested information

The requester made a request by email to the BBC on 02 October 2016 seeking the following information:

Please tell me how many grade 11 staff the BBC employed in the period from 1 July 2015 to 30 June 2016.

Please say also:

- what was the total wage bill for all grade 11 staff during this period?*
- what was the average salary?*
- how many people on grade 11 were on a salary above the ceiling of the grade?*
- what was the average salary of those within the pay grade?*
- what was the average salary of those above the pay grade?*

Would you please say additionally how many employees on this grade are paid more than £100,000 per annum and how many more than £143,462 per annum.

The BBC acknowledged the request the following day.

The requester sought further information as to the status of his request on 06 November 2016. The BBC sent an apology to the requester the following day, stating that the request was being treated as a priority. The requester contacted the BBC again to enquire as to the status of his request on 28 November 2016.

On 14 December 2016, the requester emailed the BBC seeking an internal review on the basis that the response to the request was “long overdue”.

Issues on review

The issue to be considered upon this review is therefore whether the BBC complied with its obligation under s10(1) of the Act to respond to the request “promptly and in any event not later than the twentieth working day following the date of receipt”, i.e. by 28 October 2016.



Decision

While I consider that the BBC would have failed to meet its obligations under the Act, and in particular under s10(1), in respect of this request, I note that it was submitted by an individual operating under a pseudonym. Therefore I do not consider that this constituted a valid request in accordance with s8(1)(b) of the Act and the BBC was under no obligation to comply with it. Nevertheless, I also note that the BBC has treated the request as a valid request to date and may therefore be prepared to volunteer information to the requester. I recommend that if the BBC intends to do so, it should do so as soon as possible.

As I have found the request not to be valid, any right of appeal to the Information Commissioner is limited.

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 01625 545 700 or www.ico.gov.uk