

**Louise Wright**

**From:** J. K.  
**Sent:** 14 July 2008 20:26  
**To:** FOI Enquiries  
**Subject:** IR2008026 - RE: FOI request about TVL licensing contracts - RFI20080647

Dear Ms Saunderson,

I am afraid that I do not find your most recent response to my request in any way helpful. I therefore request an internal review by a BBC senior manager or legal adviser prior to my appeal to the Information Commissioner.

For clarity, let me just summarise what I have asked you to do. I have requested that you photocopy or scan your agreement or agreements with Capita Business Services Limited and send these to me. I have agreed that reference to any particular sums of money may be removed.

As an individual with only limited copying and scanning facilities, I estimate that I can scan 350 to 400 pages per working day or close to 1,000 pages in 2½ days. I certainly would have no difficulty in copying 141 pages in a couple of hours. I find it hard to believe, therefore, your assertion that to respond to my request would exceed the 2½ day limit. Indeed, I regard your failure to respond to my request and your delays in informing me of your refusal as deliberate obfuscation and yet another BBC manipulation of its dominant position to the disadvantage of the public.

The additional information supplied in my previous communication was given purely for the purpose of narrowing my request, as you had advised. I did not expect you to respond to my reasons or to provide a defence of TV Licensing. Your agreement or lack agreement with my opinion is of no interest to me and I can not understand why you chose to make the comment you did. The excuses you give for the mode of behaviour of TV Licensing are invalid and your information demonstrably inaccurate: I have a very substantial dossier of documents to this effect. This evidence I am discussing in some detail with the Secretary of State for Culture, Media and Sport, my MP, my MSP, the Director of the Communications Commission of the Isle of Man, the Isle of Man Constabulary, my lawyer, your Governors and your Ms Lucy Tristram. Why you wish to insinuate yourself into this debate and what insight you feel you bring to it is thus beyond my comprehension.

The purpose of my request is to try to define why TV Licensing use misleading threats in their attempts to intimidate (sometimes, at least, successfully) individuals, especially the elderly and infirm, into buying a licence for which they are not liable. I believe that this may be because they are incentivised so to do by their agreement with the BBC. It is the nature of the incentives involved that I seek to understand. I therefore wish to see the clauses in the agreements between Capita and the BBC that refer to any incentives or relate to any incentives provided by the agreement and may motivate or influence Capita's behaviour.

Kindly send me the results of your internal review without unnecessarily further extending this correspondence.

Yours sincerely,

J. K.

J. K.

-----Original Message-----

12/10/2009

**From:** FOI Enquiries [mailto:FOIEnquiries@bbc.co.uk]  
**Sent:** 11 July 2008 17:01  
**To:** S. 40  
**Subject:** FOI request about TVL licensing contracts - RFI20080647

Dear S. 40

Please find attached the response to your request for information, reference RFI20080647

<<RFI20080647 - final response.pdf>>

Yours sincerely  
Rachel Hallett

BBC Information Policy and Compliance  
Room 2252, White City  
201 Wood Lane  
London W12 7TS, UK

Website: [www.bbc.co.uk/foi](http://www.bbc.co.uk/foi)  
Email: [foi@bbc.co.uk](mailto:foi@bbc.co.uk)  
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**Louise Wright**

---

**From:** FOI Enquiries  
**Sent:** 15 July 2008 12:29  
**To:** S. 40  
**Subject:** IR2008026 - Request for Internal Review

Dear S. 40

We have received your request for an internal review relating to provision of TVL agreements with Capita Business Services Ltd. Your request for an internal review was received on 14th July 08. We shall deal with the review as promptly as possible and, at the latest, within 30 working days. If you have any queries please contact us at the address below.

The reference number for your internal review is **IR2008026**.

Kind Regards

Louise Wright  
Information Policy and Compliance

BBC Freedom of Information  
Room 2252, White City  
201 Wood Lane  
London W12 7TS, UK

Website: [www.bbc.co.uk/foi](http://www.bbc.co.uk/foi)

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Tel: 020 8008 2883

Fax: 020 8008 2398

Released by the BBC under  
the Freedom of Information Act 2000

**Louise Wright**

---

**From:** FOI Enquiries  
**Sent:** 27 August 2008 12:08  
**To:** S. 40  
**Subject:** IR2008026 - Request for Internal Review

Dear S. 40

Further to our email to you dated 15 July, we would like to apologise for not having completed the internal review that you requested. We have spoken to the individual undertaking your review and he has advised that it will be completed and sent to you by Thursday of this week (28 August).

Apologies again for this small delay.

Kind Regards

Information Policy and Compliance

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Room 2252, White City  
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Website: [www.bbc.co.uk/foi](http://www.bbc.co.uk/foi)

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**Louise Wright**

---

**From:** Simon Pickard  
**Sent:** 28 August 2008 14:26  
**To:** S. U. O.  
**Subject:** FW: IR2008026 - Request for Internal Review  
**Attachments:** IR2008026 - Internal Review decision.pdf

Dear S. U. O.

Please find attached the BBC's Internal Review into the handling of your Freedom of Information Act request.



IR2008026 -  
Internal Review de..

Apologies for the short delay.

Kind Regards

Information Policy and Compliance

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## Freedom of Information Internal Review Decision

**Internal Reviewer** Simon Pickard  
Information and Compliance Manager

**Reference** IR2008026  
(RFI20080647)

**Date:** 28 August 2008

**Original Request:** The requester wrote... *'I am very disturbed by the aggressive and threatening behaviour of Capita Business Services Limited and, possibly, others trading as "TV Licensing". I believe their thuggish methods are designed to increase revenues for the BBC by intimidating those who have no legal requirement to purchase a television licence into purchasing one. I therefore wish to identify components of the agreements to which I referred to previously that may motivate Capita etc to behave as they do, so that I may raise this issue at an appropriate level. I therefore require to understand the mechanism(s) whereby the BBC remunerates Capita.*

*I can not understand that there can be so many agreements with this company in a three year period that copying and despatching those agreements would take 2.5 days, or anything like. I therefore suggest that, in the first instance at least, you copy to me your agreements with Capita.'*

It should be noted that this follows a previous request (ref RFI20080495) for *'details of all current agreements, contracts and arrangements between the BBC and Capita Business Services Limited or any and all other organisations, companies or contractors contracted by the BBC and using the generic trading name TV Licensing'*. This request was refused under section 12 (fees regulations) as to respond would have taken more than 2.5 days.

**Issues on review:** The requester does not believe that the request would take more than 2.5 days to deal with.



## Findings

The requester made their original Freedom of Information Act request (RFI20080495) to the BBC on 9 May 2008. The request was for:

*'....details of all current agreements, contracts and arrangements between the BBC and Capita Business Services Limited or any and all other organisations, companies or contractors contracted by the BBC and using the generic trading name TV Licensing. Please also provide details of any similar agreements, contracts and arrangements that have expired within the past three years. I am interested in the terms and nature of these agreements and not in the fees or other remuneration paid by the BBC to the contractors concerned. If such information is deemed to impact the commercial interest of any party, then I have no objection to it being withheld'.*

The BBC replied to the requester on 6 June 2008. The response stated:

*'...there have been many agreements, contracts and arrangements within the last three years with organisations, companies or contractors contracted to the BBC and using the generic name TV Licensing (for example, for the contracts relating to each of the companies listed above). However, I estimate that to deal with your specific requests, in the sense of providing detailed information on each agreement, contract and arrangement within the last three years, would take more than two and a half days. Under section 12 of the Freedom of Information Act, we are allowed to refuse to handle the request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25).'*

The BBC's response went on to suggest to the requester how they might like to narrow their request and stated that:

*'within two and a half days we can collate: the information requested regarding one particular aspect of one agreement, contract or arrangement. For example, we could provide you with the terms and nature of the agreement with Capita regarding the provision of TV Licensing call-centres'.*



The requester wrote back to the BBC on 13 June stating;

*'I am very disappointed by your response to my request, which is far from helpful. Your refusal to deal with my request and, particularly, your delaying by 19.5 working days informing me of this decision appears contrived.'*

I believe that the requester made a fair criticism of the BBC that it took 19 working days for the BBC to respond to the original request in the manner outlined. Whilst the Act states that FOIA requests should be complied with within 20 working days, it also states that requests should be dealt with "promptly" and I think that even taking into consideration the workloads of staff responsible for dealing with FOIA requests in the TV Licensing department, that the response such as the one sent on 6 June 2008 should not have taken so long to send to the requester.

The requester went on to clarify their request as follows;

*'I am very disturbed by the aggressive and threatening behaviour of Capita Business Services Ltd and, possibly, others trading as TV Licensing. I believe their thuggish methods are designed to increase revenues for the BBC by intimidating those who have no legal requirement to purchase a television licence into purchasing one. I therefore wish to identify components of the agreements to which I previously, that may motivate Capita etc to behave as they do, so that I may raise this issue at an appropriate political level. I therefore require to understand the mechanism(s) whereby the BBC remunerates Capita.'*

*'I doubt very much that agreements with PayPoint Network Limited, PayPoint Collections Limited, Revenues Management Services Limited, Abbott Mead Vickers BBDO Limited, Fishburn Hedges Boys Williams Limited, PHD Media Limited and Proximity London Limited are in any way relevant to my request. Indeed, as I indicated, I believe the relevant company is Capita Business Services Limited. I can not understand that there can be so many agreements with this company in a three year period that copying and despatching those agreements would take 2.5 days, or anything like. I therefore suggest that, in the first instance at least, you copy to me your agreements with Capita.'*

The BBC wrote back to the requester on 11 July explaining that the revised request still exceeded the appropriate limit;



'I appreciate your latest attempt to narrow your request in line with my previous advice on this subject. However, I am afraid your new request is still worded in such a way that we are still unable to respond, since to do so would still exceed the appropriate limit. This is because each of our agreements with Capita would need to be examined clause-by-clause and redacted where they contain any information which may also be subject to other exemptions under the Act (for example, information which may prejudice the commercial interests of any person if released). It is the BBC's view that this activity would take more than 2.5 days and hence would exceed the appropriate limit. To demonstrate this, I can tell you that the main contract with Capita alone (which is itself only one of the agreements in question) is 141 pages long.'

The Information Commissioner's Office gives clear guidance to organisations covered by the Freedom of Information Act as to how to apply the fees limit appropriately. It states:

***'The appropriate cost limit for a request is £600 for central government and Parliament and £450 for other public authorities. This means when you receive a request you need to estimate how much it will cost to deal with it, and if it will be within this limit.'***

***When estimating the cost of compliance, you can take into consideration the cost of:***

- ***Determining whether it holds the information requested***
- ***Locating the information***
- ***Retrieving such information or documents***
- ***The cost of staff time associated with these activities is currently calculated at £25 per hour.***

***You can not take the time spent considering whether or not information is exempt from release into account when estimating the cost of compliance.'***

This guidance can be found on the ICO's website at;  
[http://www.ico.gov.uk/Global/faqs/freedom\\_of\\_information\\_for\\_organisations.aspx](http://www.ico.gov.uk/Global/faqs/freedom_of_information_for_organisations.aspx)

The BBC's letter of 11 July went on to advise of possible further narrowing of the request in order to bring it within the fees limit.



The requester responded on 14 July explaining their reasons why they were not satisfied with the BBC's response and executed their right of appeal by Internal Review.

### **Decision**

Having looked into the correspondence surrounding the handling of this request, I believe that the BBC have not handled this appropriately under the terms of the Act, and that the fees limit was not correctly applied in this instance.

I therefore overturn the findings of the original request, and advise that the BBC should revisit the original request in order to give the requester a more satisfactory response.

### **Appeal Rights**

If you are not satisfied with this 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 see [www.ico.gov.uk](http://www.ico.gov.uk).

Louise Wright

**From:** S.40  
**Sent:** 28 August 2008 14:37  
**To:** FOI Enquiries  
**Subject:** RE: IR2008026 - Request for Internal Review

Thank you for letting me know. These few days delay is not a problem for me.

Regards,

S.40.

S.40

-----Original Message-----

**From:** FOI Enquiries [mailto:FOIEnquiries@bbc.co.uk]  
**Sent:** 27 August 2008 12:08  
**To:** S.40.  
**Subject:** IR2008026 - Request for Internal Review

Dear S.40

Further to our email to you dated 15 July, we would like to apologise for not having completed the internal review that you requested. We have spoken to the individual undertaking your review and he has advised that it will be completed and sent to you by Thursday of this week (28 August).

Apologies again for this small delay.

Kind Regards

Information Policy and Compliance

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Room 2252, White City  
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**Louise Wright**

**From:** S. 40  
**Sent:** 31 August 2008 16:06  
**To:** FOI Enquiries  
**Subject:** RFI20080647 - IR2008026 - Result of Internal Review  
**Attachments:** IR2008026 - Internal Review decision.pdf

Dear Ms Hallett,

In light of the results of this internal review, may I expect that my request will now be met without further evasion and prevarication on your part or action on mine?

S. 40

-----Original Message-----

**From:** FOI Enquiries [mailto:FOIEnquiries@bbc.co.uk]  
**Sent:** 11 July 2008 17:01  
**To:** S. 40  
**Subject:** FOI request about TVL licensing contracts - RFI20080647

Dear S. 40

Please find attached the response to your request for information, reference RFI20080647

<<RFI20080647 - final response.pdf>>

Yours sincerely  
Rachel Hallett

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**Louise Wright**

**From:** S. 40  
**Sent:** 08 September 2008 15:43  
**To:** Simon Pickard  
**Cc:** Rachel Hallett  
**Subject:** RE: IR2008026 - Request for Internal Review

Dear Mr Pickard,

Thank you for your review.

Immediately upon receipt of this I wrote to the person with whom I had last had communication in the BBC Information Policy and Compliance Unit, Ms Rachel Hallett, asking whether this meant that I would now receive the requested information. Two weeks later, I have still not received a reply. I believe this is merely a continuance of the delaying tactics used against me previously and to which you refer in your review. Is there any requirement on the BBC Information Policy and Compliance Unit to act on your advice? If so, within what timeframe?

Should I now contact the Information Commissioner? I have the impression that your colleagues are determined to avoid meeting my request, whatever time may be used in so doing, and I fear that they will continue to prevaricate and dissemble unless and until some external pressure is brought to bear.

Regards,

S. 40

S. 40.

-----Original Message-----

**From:** Simon Pickard [mailto:simon.pickard@bbc.co.uk]  
**Sent:** 28 August 2008 14:26  
**To:** S. 40  
**Subject:** FW: IR2008026 - Request for Internal Review

Dear S. 40

Please find attached the BBC's Internal Review into the handling of your Freedom of Information Act request.

<<IR2008026 - Internal Review decision.pdf>>  
Apologies for the short delay.

Kind Regards

Information Policy and Compliance

BBC Freedom of Information  
Room 2252, White City  
201 Wood Lane

12/10/2009

London W12 7TS, UK

Website: [www.bbc.co.uk/foi](http://www.bbc.co.uk/foi)

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**Louise Wright**

**From:** S. 40  
**Sent:** 15 September 2008 20:11  
**To:** Simon Pickard  
**Cc:** Rachel Hallett  
**Subject:** RE: IR2008026 - Request for Internal Review

Thank you Mr Prickard. By coincidence, I ran into my MP at lunch on Friday and sought his advice. I have been keeping him informed of my lack of progress and of the activities of TV Licensing. We agreed that a further 20 working days should be the absolute limit and I think I will stick to that.

During the weekend I put in a new FoI request relating to the number of pages contained in the relevant agreements and so will expect an evasive response in 19½ days.

Thank you for your prompt reply on your return.

Yours sincerely,

S. 40

-----Original Message-----

**From:** Simon Pickard [mailto: S. 40]  
**Sent:** 15 September 2008 15:44  
**To:** S. 40  
**Subject:** RE: IR2008026 - Request for Internal Review

Dear S. 40

Apologies for the delay in this reply; I have been away on holiday and returned to the office today.

The BBC process for dealing with Internal Reviews means that in the event of the review finding against the original response it is a requirement for the BBC to furnish you with a new response, taking on board the criticisms of the review. At the time of concluding my review of your case and my subsequent letter to you, I also notified both the Information Policy and Compliance team as well as those that dealt with your request in TV Licensing so that they could address the findings of my review. There is no given timeframe for them to do so, but they should act promptly and without unnecessary delay.

I think it would be wise to give the BBC an opportunity to furnish you with a further response before going to the Information Commissioner. However, I am not in a position to suggest how long you might think reasonable to give the BBC to respond.

I shall speak to both the Information Policy and Compliance team and TV Licensing to remind them of their obligations following the findings of my internal review.

I hope you have a satisfactory conclusion soon.

Regards

Simon Pickard.

**From:** S. 40  
**Sent:** 08 September 2008 15:43  
**To:** Simon Pickard  
**Cc:** Rachel Hallett  
**Subject:** RE: IR2008026 - Request for Internal Review

12/10/2009

Dear Mr Pickard,

Thank you for your review.

Immediately upon receipt of this I wrote to the person with whom I had last had communication in the BBC Information Policy and Compliance Unit, Ms Rachel Hallett, asking whether this meant that I would now receive the requested information. Two weeks later, I have still not received a reply. I believe this is merely a continuance of the delaying tactics used against me previously and to which you refer in your review. Is there any requirement on the BBC Information Policy and Compliance Unit to act on your advice? If so, within what timeframe?

Should I now contact the Information Commissioner? I have the impression that your colleagues are determined to avoid meeting my request, whatever time may be used in so doing, and I fear that they will continue to prevaricate and dissemble unless and until some external pressure is brought to bear.

Regards,

S. 40

-----Original Message-----

**From:** Simon Pickard [mailto:S. 40]

**Sent:** 28 August 2008 14:26

**To:** S. 40

**Subject:** FW: IR2008026 - Request for Internal Review

Dear S. 40,

Please find attached the BBC's Internal Review into the handling of your Freedom of Information Act request.

<<IR2008026 - Internal Review decision.pdf>>

Apologies for the short delay.

Kind Regards

Information Policy and Compliance

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**Louise Wright**

**From:** S. 40  
**Sent:** 13 December 2008 16:05  
**To:** FOI Enquiries  
**Subject:** FW: Requests RFI20080647 & RFI20081170, Internal Review IR2008026  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

I received no acknowledgement of this e-mail. I trust that the review requested is underway but would be glad of your confirmation of this. You will note that I requested a prompt decision.

S. 40

-----Original Message-----

**From:** S. 40  
**Sent:** 23 November 2008 18:01  
**To:** 'FOI Enquiries'  
**Subject:** Requests RFI20080647 & RFI20081170, Internal Review IR2008026

Ms Fern Kersey

Adviser

Information Policy and Compliance

BBC Freedom of Information

Room 2252

BBC White City

201 Wood Lane

London W12 7TS

24 November 2008

Dear Madam,

I request an internal review of the decision contained in Ms Doubtfire's letter reference the above and dated 17 November, 2008.

To assist the reviewer, perhaps I may outline why I seek this review.

I do not understand why I received this much belated reply from someone with the title "Head of Revenue Management" since my initial requests do not relate in any way at all to the revenues of the BBC or their management. This has been clearly stated in every request for information that I have made and I resent both the implication on p5 (the reference to section 14(2) of the Freedom of Information Act ) of this quite unnecessarily long and complex letter that my requests are in any way vexatious and to this further effort to obfuscate and delay.

12/10/2009

My concern is a very simple one. I wish to understand how the BBC incentivises Capita Business Systems Limited ('Capita') to intimidate those without both a television licence and a television receiver into buying television licences.

We know that the BBC operates to the lowest of ethical standards, exemplified recently by the BBC Trust report on the Andrew Sachs affair. This involved aggressive behaviour to just one elderly gentleman. Capita behave in a similarly coarse and aggressive manner to countless of our population who commit the offence, in the eyes of the BBC, of not owning a television. Such people are threatened that they will be confronted in their homes and interviewed under caution, with the implied threat that their homes will be searched, even though no legal powers in this respect exist. Many are undoubtedly elderly and infirm. I am sure that S. 40 was not the first or the only such person to be intimidated into buying a licence without legal cause. Several such cases have been recorded on the Isle of Man.

If the intimidation of a celebrity such as Mr Sachs was an outrage, how much more malevolent to threaten and alarm many hundreds, if not thousands, of our population who have committed no misdemeanour but merely do not use a television set.

Ms Doubtfire has written several very repetitive pages that seek to suggest that I wish to have details of the contractual arrangements between the BBC and Capita. It is clear from her letter that the relationship between the two entities is a very close one and they do not wish that relationship to be in any way challenged or compromised. The appropriateness of statements such as "Capita would not be able to offer the BBC the same, low prices that it does currently.." and "if Capita was no longer able to offer the BBC the same low prices that it currently does," could be questioned. They sound more like extracts from Capita's promotional material than an objective response to my simple request; proper response to which would not "reveal valuable information on pricing structures, business structures and operations to the competitors of Capita." whom, it seems, the BBC wish to protect at all costs. I have requested one simple piece of information and, far from making every effort "to provide transparency and accountability in respect of ..... television licensing functions", Ms Doubtfire in fact seeks to create an imbroglio and the impression that answering me frankly might bring down the Corporation. This is disingenuous and arrant nonsense!

The BBC have claimed previously that their agreements with Capita run to many thousands of pages such that a competent operator of a modern photocopier could not copy them in 15 to 20 hours. Now Ms Doubtfire seeks to claim that this immense archive is so commercially important and valuable that not the smallest part should not be made available to the public who finance the BBC. This can not possibly be what was envisaged by Parliament when the Freedom of Information Act was approved. Of course it must be of over-riding importance that we can scrutinise how the BBC spends public funds and I reiterate; I have always said that I have no interest in the commercial transactions, only the principles behind one tiny component of their agreement(s) with a single contractor.

The BBC's delay and prevarication over my request has impeded my discussions with my MP and with the head of the Communications Commission of the Isle of Man Government (now retired and replaced) regarding the appropriateness of Capita's behaviour. It has also denied me the information necessary to adequately respond to the BBC Trust's public consultation and review of how the licence fee is collected. Typically the BBC has always over-run its own declared timescales for each and every request for information that I have made. I believe this pattern of delay is not coincidental and I request a prompt review of this most recent and most perverse decision.

Yours faithfully,

S. 40

-----Original Message-----

From: FOI Enquiries [<mailto:FOIEnquiries@bbc.co.uk>]

Sent: 17 November 2008 17:25

To: S. 40

Subject: RF120080647 Final, post IR response

<<RF120080647 Final, post IR response.pdf>>

Dear, S. 40

Please find attached the follow up response arising from your Internal

Review decision.

Yours sincerely

Fern Kersey

Adviser, Information Policy and Compliance

BBC Freedom of Information

Room 2252

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12/10/2009

**Louise Wright**

**From:** FOI Enquiries

**Sent:** 30 December 2008 16:12

**To:** S. 40

**Subject:** RE: Requests RFI20080647 & RFI20081170, Internal Review IR2008026

Dear S. 40

Thank you for your emails, repeated below. Please accept my apologies for the delay in replying to you.

To clarify, we responded to your original Freedom of Information request (RFI20080647) on 11 July and subsequently undertook an internal review at your request which was sent to you on 28 August. Furthermore, Pipa Doubtfire wrote to you on 17 November to further clarify our previous responses. We therefore consider this case is now closed. Should you disagree, you have the right to appeal to the Information Commissioner. Details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

Yours sincerely

Mr S. Pickard

**Information and Compliance Manager**

**From:** S. 40

**Sent:** 13 December 2008 16:05

**To:** FOI Enquiries

**Subject:** FW: Requests RFI20080647 & RFI20081170, Internal Review IR2008026

I received no acknowledgement of this e-mail. I trust that the review requested is underway but would be glad of your confirmation of this. You will note that I requested a prompt decision.

S. 40

-----Original Message-----

**From:** S. 40

**Sent:** 23 November 2008 18:01

**To:** 'FOI Enquiries'

**Subject:** Requests RFI20080647 & RFI20081170, Internal Review IR2008026

Ms Fern Kersey

Adviser

Information Policy and Compliance

BBC Freedom of Information

Room 2252

BBC White City

201 Wood Lane

London W12 7TS

12/10/2009

24 November 2008

Dear Madam,

I request an internal review of the decision contained in Ms Doubtfire's letter reference the above and dated 17 November, 2008.

To assist the reviewer, perhaps I may outline why I seek this review.

I do not understand why I received this much belated reply from someone with the title "Head of Revenue Management" since my initial requests do not relate in any way at all to the revenues of the BBC or their management. This has been clearly stated in every request for information that I have made and I resent both the implication on p5 (the reference to section 14(2) of the Freedom of Information Act ) of this quite unnecessarily long and complex letter that my requests are in any way vexatious and to this further effort to obfuscate and delay.

My concern is a very simple one. I wish to understand how the BBC incentivises Capita Business Systems Limited ('Capita') to intimidate those without both a television licence and a television receiver into buying television licences.

We know that the BBC operates to the lowest of ethical standards, exemplified recently by the BBC Trust report on the Andrew Sachs affair. This involved aggressive behaviour to just one elderly gentleman. Capita behave in a similarly coarse and aggressive manner to countless of our population who commit the offence, in the eyes of the BBC, of not owning a television. Such people are threatened that they will be confronted in their homes and interviewed under caution, with the implied threat that their homes will be searched, even though no legal powers in this respect exist. Many are undoubtedly elderly and infirm. I am sure that §.46 was not the first or the only such person to be intimidated into buying a licence without legal cause. Several such cases have been recorded on the Isle of Man.

If the intimidation of a celebrity such as Mr Sachs was an outrage, how much more malevolent to threaten and alarm many hundreds, if not thousands, of our population who have committed no misdemeanour but merely do not use a television set.

Ms Doubtfire has written several very repetitive pages that seek to suggest that I wish to have details of the contractual arrangements between the BBC and Capita. It is clear from her letter that the relationship between the two entities is a very close one and they do not wish that relationship to be in any way challenged or compromised. The appropriateness of statements such as "Caita would not be able to offer the BBC the same, low prices that it does currently.." and "if Capita was no longer able to offer the BBC the same low prices that it currently does," could be questioned. They sound more like extracts from Capita's promotional material than an objective response to my simple request; proper response to which would not "reveal valuable information on pricing structures, business structures and operations to the competitors of Capita." whom, it seems, the BBC wish to protect at all costs. I have requested one simple piece of information and, far from making every effort "to provide transparency and accountability in respect of ..... television licensing functions", Ms Doubtfire in fact seeks to create an imbroglio and the impression that answering me frankly might bring down the Corporation. This is disingenuous and arrant nonsense!

The BBC have claimed previously that their agreements with Capita run to many thousands of pages such that a competent operator of a modern photocopier could not copy them in 15 to 20 hours. Now Ms Doubtfire seeks to claim that this immense archive is so commercially important and valuable that not the smallest part should not be made available to the public who finance the BBC. This can not possibly be what was envisaged by Parliament when the Freedom of Information Act was approved. Of course it must be of over-riding importance that we can scrutinise how the BBC spends public funds and I reiterate; I have always said that I

12/10/2009



have no interest in the commercial transactions, only the principles behind one tiny component of their agreement(s) with a single contractor.

The BBC's delay and prevarication over my request has impeded my discussions with my MP and with the head of the Communications Commission of the Isle of Man Government (now retired and replaced) regarding the appropriateness of Capita's behaviour. It has also denied me the information necessary to adequately respond to the BBC Trust's public consultation and review of how the licence fee is collected. Typically the BBC has always over-run its own declared timescales for each and every request for information that I have made. I believe this pattern of delay is not coincidental and I request a prompt review of this most recent and most perverse decision.

Yours faithfully,

S. 40

-----Original Message-----

From: FOI Enquiries [<mailto:FOIEnquiries@bbc.co.uk>]

Sent: 17 November 2008 17:25

To: S. 40

Subject: RFI20080647 Final, post IR response

<<RFI20080647 Final, post IR response.pdf>>

Dear S. 40

Please find attached the follow up response arising from your Internal

Review decision.

Yours sincerely

Fern Kersey

Adviser, Information Policy and Compliance

BBC Freedom of Information

Room 2252

BBC White City

201 Wood Lane

London W12 7TS, UK

Website: [www.bbc.co.uk/foi/](http://www.bbc.co.uk/foi/)

Email: [foi@bbc.co.uk](mailto:foi@bbc.co.uk)

Tel: 020 8008 2883

Fax: 020 8008 2398

12/10/2009

<http://www.bbc.co.uk/>

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Released by the BBC under  
the Freedom of Information Act 2000





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

S.40.

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17 November 2008

S.40

**Re: Freedom of Information request RFI20080647, Internal Review IR2008026 and Freedom of Information request RFI20081170**

I write further to your request for information under the Freedom of Information Act of 13 June 2008 (ref RFI20080647), in which you stated the following:

*I am very disturbed by the aggressive and threatening behaviour of Capita Business Services Limited and, possibly, others trading as "TV Licensing". I believe their thuggish methods are designed to increase revenues for the BBC by intimidating those who have no legal requirement to purchase a television licence into purchasing one. I therefore wish to identify components of the agreements to which I referred previously that may motivate Capita etc to behave as they do, so that I may raise this issue at an appropriate political level. I therefore require to understand the mechanism(s) whereby the BBC remunerates Capita.*

*... I can not understand that there can be so many agreements with this company in a three year period that copying and despatching those agreements would take 2.5 days, or anything like. I therefore suggest that, in the first instance at least, you copy to me your agreements with Capita. . .*

This request was made in response to your previous request (ref RFI20080495) for details of all current agreements, contracts and arrangements between the BBC and Capita Business Services Limited or any and all other organisations, companies or contractors contracted by the BBC and using the generic trading name "TV Licensing". The BBC refused this earlier request under section 12 (fees regulations), as to comply would have taken more than 2.5 days.

The BBC responded to you on 11 July 2008, explaining that your request was exempt from disclosure under section 12 of the Act. We also informed you at that time that other exemptions, in particular section 43 (commercial prejudice), might apply to your request. You subsequently requested an Internal Review (ref IR2008026) of our response.

The Internal Review (a copy of the findings for which was sent to you on 28 August 2008) concluded that the BBC's response should not have taken so long to send and that the fees limit was not correctly applied in this instance. The Reviewer advised that the BBC should revisit the original request in order to give you a more satisfactory response. This letter sets out the results of this process.

Firstly, I must apologise for the delay in responding to the recommendations in the Internal Review. This was due to the complex nature of your query. However, even with this in mind you should have received this communication more swiftly. You have quite rightly contacted the Information Commissioner's Office regarding this matter and I have copied this letter to them. I have also, as a result of your case, implemented a new procedure with immediate effect in order to ensure that such a delay does not happen again. I would like to reassure you that we make every effort to provide transparency and accountability in respect of our television licensing functions and welcome Freedom of Information requests such as yours.

Turning now to the substance of your request, as you know, the BBC is in regular liaison with Capita every day concerning their responsibility to administer, monitor, enforce and police the television licensing system. In theory, every aspect of this liaison could be considered as an *agreement* relating to their TV Licensing responsibilities. However, having further reviewed the information you requested, namely "*your agreements with Capita*", we have interpreted your question as referring to the main contract between the BBC and Capita Business Services Limited for the management of the enforcement, collection and administration of the licence fee.

We can confirm in terms of section 1(1) of the Act that the BBC does hold the information you requested. However, we are withholding this information under s43(2) of the Act as its release would be likely to prejudice the commercial interests of Capita and, in turn, the BBC.

In this case, it is our view that disclosure of the information requested would reveal valuable information on pricing structures, business structures and operations to the competitors of Capita. It is therefore likely to place Capita at a disadvantage when competing for work, specifically in the context of the procurement of the contract for the management of the enforcement, collection and administration of the licence fee which is due to take place in 2012. The service delivery market is a very competitive one and Capita competes with a large number of other agencies for contracts. The release of this information would allow Capita's competitors to ascertain with some certainty the amount Capita was likely to bid for this contract, while Capita would not be in possession of the same information regarding its competitors. The release of the requested information would therefore be likely assist Capita's competitors in outbidding them in order to re-secure this contract.

Disclosure of this information would also be likely to place Capita at a disadvantage when negotiating with existing and potential clients for other, non-BBC work, as Capita has a large client base and information about the details of BBC contracts is not widely known. It would be greatly beneficial to Capita's clients to learn the prices charged by Capita to the BBC for particular services, since they may then try to use this as a bargaining tool.

If either of the above impacts occur, Capita would not be able to offer the BBC the same, low prices that it does currently, which would compromise the BBC's ability to achieve value for money for licence fee payers.

It is also the BBC's position that the disclosure of the requested information would be likely to prejudice the commercial interests of the BBC. This is because if Capita was no longer able to offer the BBC the same low prices that it currently does, the BBC would be left facing a choice between spending less on this contract and failing to appropriately enforce, collect and administer the licence fee or allocating additional monies for this contract and losing funding to other important areas such as programming.

Disclosure of the requested information could also lead to a ratchet effect among potential future suppliers of these services to the BBC. As stated above, the current contract with Capita runs until 2012 and the BBC anticipates that re-tendering for the supply of these services will commence in late 2010. Capita is not guaranteed the contract in 2012 and will compete alongside other bidders who are likely to be the other major service providers already referred to above. Since suppliers will assume that a minimum level of funds is available for particular services, they will have an incentive to price their bid beyond that level. Disclosure would therefore prejudice the BBC's ability to secure the best possible terms with potential suppliers of these services in the future.

The result is likely to be to the grave prejudice of the BBC, leading to the BBC either being unable to attract bids from the widest possible range of suppliers and suffering an attendant drop in the quality of its enforcement, collection and administration of the licence fee or increasing its payments to suppliers and suffering an attendant drop in value for money to the licence payer.

As section 43 is a qualified exemption, the BBC is required by section 2(2) of the Act to consider the public interest factors in this case. Specifically, we looked at whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In favour of disclosure, we recognised that there is a public interest in the following:

- that the BBC is using public money effectively.
- that the BBC is getting value for money in respect of its use of the licence fee when purchasing goods and services.
- that there is a high standard of debate around the licence fee collection, currently being generated in response to the BBC Trust's open consultation (available at [http://www.bbc.co.uk/bbctrust/consult/open\\_consultations/tv\\_licence.html](http://www.bbc.co.uk/bbctrust/consult/open_consultations/tv_licence.html)). This can be facilitated by placing as much information as possible into the public domain.

However, it is the BBC's contention that these objectives will be threatened if the contract with Capita is disclosed (see above). In any event, the general public interest in the transparency and accountability of the BBC in respect of its use of the licence fee is served by a broad range of oversight mechanisms, both internal and external. These include the oversight of the BBC Trust (responsible for commissioning value for money investigations into specific areas of BBC activity (Article 24(2)(i) of the Charter)) and the Executive Board (responsible for conducting the BBC's operational affairs in a manner best designed to ensure value for money (Article 38(1)(h) of the Charter)). These mechanisms also include Ofcom, the fair

trading regime and competition law in general. Indeed, in the interests of transparency and accountability, certain limited information on expenditure is already provided in the BBC's *Annual Report and Accounts* and the *TV Licensing Annual Review* (available at [http://www.tvlicensing.co.uk/pdfs/AnnualReview\\_en2008.pdf?r\\_exit\\_link=d\\_pdf\\_download](http://www.tvlicensing.co.uk/pdfs/AnnualReview_en2008.pdf?r_exit_link=d_pdf_download)). For example, information on collection costs can be found on page 6 of the *TV Licensing Annual Review*. It is the BBC's contention that the release of detail beyond this threatens to pose considerable harm to the BBC's commercial interests, without offering a proportionate benefit to the public.

On the other hand, in considering factors that might weigh in favour of the public interest in withholding, we took into account:

- that the BBC maintains a strong bargaining position vis-à-vis suppliers during contractual negotiations in order to ensure that the licence fee is spent effectively.
- that the competitive position of companies in their particular market is not disadvantaged by doing business with the BBC. It would not be in the public interest to disclose sensitive information about a particular company if that information would be likely to be used by competitors to gain a competitive advantage.

In this instance, the public interest is served by ensuring that the commercial interests of the contracts with the BBC's TV Licensing partners are protected.

There is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. We are therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest (outlined above) in disclosing the information.

#### **Freedom of Information request RFI20081170**

You recently submitted a further request to the BBC dated 31 October 2008 seeking information about TV Licensing. This request is also being dealt with under the Freedom of Information Act 2000 ("the Act"). In your latest request you asked the following:

*Capita Business Services Limited operates under the name "TV Licensing" to administer the collection of television licence fees and monitor, enforce and police the television licensing system. Kindly provide details of any clauses or other components of any agreements, contracts and arrangements currently in force between the BBC and Capita Business Services Limited, its associates and subsidiaries, that allude to, or seek to define, any incentive arrangement relating to the collection of fees for television licences for the benefit of Capita Business Services Limited. The financial components of any such arrangements may be commercially confidential and are not required. I seek to establish only the underlying principles.*

The BBC considers that this request is very similar to your previous request RFI20080647, which asked for *your agreements with Capita*. As outlined above, we are withholding this information under s43 of the Act as disclosure under the Act would, or would be likely to, prejudice the commercial interests of Capita and the BBC.

The BBC considers that there is no more information that can be provided to you without prejudicing the commercial interests of any person. Therefore, the BBC is considers that the response above satisfies your request. Under section 14(2) of the Act, we are not obliged to respond to a substantially similar request made by the same requestor.

#### Appeal rights

If you are not satisfied with this response – specifically on this occasion the BBC's application of section 43(2) to the information - you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, explaining what you would like us to review 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, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>. As noted above, we understand you have made a complaint to the ICO and we are therefore copying the Information Commissioner's Office in on this response.

Once again, I would like to apologise for the delay in sending you this response. However, I hope you have found it helpful.

Yours sincerely,



**Pipa Doubtfire**  
**Head of Revenue Management**  
**BBC**

Cc: Information Commissioner's Office, Wycliffe House, Water Lane,  
Wilmslow, Cheshire, SK9 5AF