



Information Rights

bbc.co.uk/foi

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Chris Gregson

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30 October 2017

Dear Mr Gregson

Freedom of Information request - RF120171474

Thank you for your request to the BBC of 7 February 2017, seeking the following information under the Freedom of Information Act 2000:

Please provide the text of the cue card that David Dimbleby read from on Question Time on 5 October 2017 regarding Labour's policy on student debt, along with scans of all other cue cards available to Mr Dimbleby that day. Please also explain who writes the cards, where they are kept between shows, and the process used to fact-check and periodically review the cards.

On the edition of Question Time broadcast on 5 October 2017, David Dimbleby read from a cue card to reinforce Damian Greene's claim that Jeremy Corbyn had promised to wipe out student debt. This opinion is based on selectively quoting the five words 'I will deal with it' spoken in an interview to the NME. The claim was not in Labour's manifesto and the full article makes clear that the aim is for fairness between cohorts of students and not eradication of debt.

The host's intervention served to misrepresent Labour policy and promises on student debt to your viewers, and so the public interest and duty to inform outweighs any journalistic exemption.

Finally, I ask when David Dimbleby will read on Question Time a quote long enough to provide context to the words 'I will deal with it' from the full text below, and when he will apologise for any misconceptions that viewers may have taken from previous shows.

NME: You've pledged to scrap tuition fees, which has gone down well. But it's also kicked up a question for people who already have that debt, or people who are currently in university. What does it mean for people who've already been paying £9,000 a year?

JC: "First of all, we want to get rid of student fees altogether. We'll do it as soon as we get in, and we'll then introduce legislation to ensure that any student going from the 2017-18 academic year will not pay fees. They will pay them, but we'll rebate them when we've got the legislation through – that's fundamentally the principle behind it. Yes, there is a block of those that currently have a massive debt, and I'm looking at ways that we could reduce that, ameliorate that, lengthen the period of paying it off, or some other means of reducing that debt burden. I don't have the simple answer for it at this stage – I don't think anybody would expect me to, because this election was called unexpectedly; we had two weeks to prepare all of this – but I'm very well aware of that problem. And I don't see why those that had the historical misfortune to be at university during the

£9,000 period should be burdened excessively compared to those that went before or those that come after. I will deal with it.”

Taken from the original article at <http://www.nme.com/features/jeremy-corbyn-interview-2017-cover-feature-labour-2082433>

The information 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. Part VI of Schedule 1 to FOIA 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.¹

You may not be aware that one of the main policy drivers behind the limited application of the Act to public service broadcasters was to protect freedom of expression and the rights of the media under Article 10 European Convention on Human Rights (“ECHR”). The BBC, as a media organisation, is under a duty to impart information and ideas on all matters of public interest and the importance of this function has been recognised by the European Court of Human Rights. Maintaining our editorial independence is a crucial factor in enabling the media to fulfil this function.

That said, the BBC makes a huge range of information available about our programmes and content on 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. Contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF telephone 0303 123 1113 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,

Ian Small
Head of Public Policy & Corporate Affairs
BBC Scotland

¹ 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, 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’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 Ofcom (the BBC’s independent regulator) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. Ofcom also safeguard the BBC’s independence and ensure the Corporation is accountable to its audiences and to Parliament.