

Freedom of Information  
Internal Review decision

Internal Reviewer	Stephanie Simmonds, Senior Advisor
Reference	IR2010024
Date	22 September 2011

### **Requested information**

The original request for information was received on 8 July and consisted of eleven questions regarding Television Licensing prosecutions.<sup>1</sup>

The BBC responded on 4 August 2011, in summary:

- In relation to questions 1-7, 9 and 10, the BBC stated that, no information was held (in terms of section 1(1) of the Act) although some context was provided in relation to question 10.
- In relation to question 8, the BBC applied section 12 to the information requested as it stated that a manual review of all 2010 files would exceed the 'appropriate limit' of 2.5 days in the Regulations.<sup>2</sup>
- In relation to question 11, Prosecution outcomes are recorded with paper and pen.

### **Issues on review**

On 14 August, the requestor requested that the BBC undertake an Internal Review of the handling of this request on the following grounds:

- That 'the claim that the information is not held in respect of the...questions lodged under this Fol request is simply not credible.'
- That the responses to questions 9 and 11 were 'factually inconsistent.'

On 15 August, Rachel Hallett of the BBC's Information Policy and Compliance Team acknowledged this request and explained why the BBC believed the responses to questions 9 and 11 were not factually inconsistent. Ms Hallett confirmed that the BBC would carry out an internal review of the responses to questions 1 - 7 and question 10.

### **Decision**

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<sup>1</sup> Full text included as appendix A

<sup>2</sup> The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.



I have spoken with the relevant staff in the BBC's Television Licensing Department, who have confirmed to me that the BBC does not have a policy relating to individuals sent to courts to record the outcome of prosecutions. Capita are contracted to administer the TV Licensing system and the monitoring of prosecution outcomes, where it is deemed necessary, falls within Capita's overall contractual responsibilities. I have also sought confirmation from Capita as to whether it holds any relevant information. Capita explained that the reason court reporters are sent to record a prosecution outcome, in the large majority of instances, is where a case is complex or sensitive. These individuals (collectively known as 'TV Licensing court reporters') are current Capita employees who all have regular, full-time positions at Capita unrelated to court reporting, but attend court on an ad-hoc basis, when this is requested of them.

Given that these 'TVL Court Reporters' are present in an oversight capacity only and formal records of outcomes are produced by the Ministry of Justice, there is simply no need for the BBC or Capita to have a policy on recording outcomes, nor for selection criteria or key performance indicators to be created. Capita also see no business need to keep a list of which individuals were sent to each court hearing.

I am satisfied with the explanations provided by TV Licensing and Capita and, although I believe more of this context could have been provided to the requestor at the time of the original response, I find that the BBC has applied the Act correctly in this instance.

## **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](http://www.ico.gov.uk)

Appendix A – text of original request

1. This is a request under the Freedom of Information Act 2000 for full disclosure and publication of the TV Licensing policy document which relates to all the activities of “On occasion TV Licensing sends individuals to court to record the details of a TV Licensing prosecution.”
2. Who in TV Licensing and BBC Executive Board created the policy and when.
3. Who in TV Licensing and BBC Executive Board approved the policy and when.
4. Who in TV Licensing and BBC Executive Board reviews the policy and how often.
5. Who in TV Licensing and BBC Executive Board amends the policy and how often.
6. The selection criteria used to determine:
  - a. the TV Licensing prosecution(s) to be recorded
  - b. the courts where TV Licensing prosecution(s) are to be recorded.
7. The key performance indicators applied to:
  - a. the TV Licensing prosecution(s) that have been recorded
  - b. the Court where the TV Licensing prosecution(s) have been recorded.
8. The number of times in 2010 when “On occasion TV Licensing sends individuals to court to record the details of a TV Licensing prosecution”.
9. What is the information gathered used for after “On occasion TV Licensing sends individuals to court to record the details of a TV Licensing prosecution” and by whom in TV Licensing and BBC Executive Board.
10. The job titles, job descriptions and person specifications of TV Licensing staff who are, “On occasion TV Licensing sends individuals to court to record the details of a TV Licensing prosecution”.
11. The media used by TV Licensing staff in court to "record the details of a TV Licensing prosecution"