



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Christopher Green

Via email: request-469608-d876cd30@whatdotheyknow.com

10 April 2018

Dear Mr Green

Request for Information – RFI20180442

Thank you for your request of 8th March 2018 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"This request concerns the Capita TV Licensing Visiting Procedures, Chapter 10 Search Warrants, page 81 of Issue 5 Revision 5.

A paragraph usually redacted by the BBC states "NB - a refusal to provide name, to cooperate with the interview or to otherwise be "difficult" does not amount to an obstruction of the warrant". This is, of course, correct - the warrant authorises entry to search the premises and examine and test any television receiver found there." The warrant does not empower the TVL/Capita employees to force, bully or otherwise coerce the occupier into giving his or her personal details, under caution or otherwise.

Kindly explain, in light of the above therefore, the reason behind the next paragraph " If the occupant refuses to give their name to the EO when executing the warrant, the accompanying Police Officer should be asked to intervene and request the information".

Is it BBC policy to incite the police to bully the occupier into providing information under oppression which TVL/Capita employees have no power under the warrant to obtain?

Are you aware that under PACE code C 11.5 no interviewer may try to obtain answers or elicit a statement by the use of oppression? Do you consider the BBC outside the scope of PACE?

Are you aware that if the police complied with the request to obtain the occupier's name under oppression and then conveyed that information to Capita/TVL, the police officers would be committing an offence under the Data Protection Act 1998 (DPA)?

With reference to this video https://www.youtube.com/watch?v=WQDqEVpM1_c the TVL/Capita employee clearly incites the police officers to obtain the occupier's name under oppression "threat of being "done" for "obstruction"" and the female police officer then accesses the Police National Computer illegally - committing misconduct and a breach of the DPA in the process. Is it BBC policy to incite police officers to commit acts of misconduct and to act illegally?

The next paragraph states "If a person suspected of committing an offence refuses to give their name to a Police Officer when asked to do so, the Police Officer may arrest and detain that individual in order to identify them. The name & number of the Police Officer must be noted".

Are you aware that this statement has no legal foundation whatsoever?

Did the BBC seek or obtain any legal advice on this statement?

Please provide a copy.

Are you aware that police officers only have powers to demand name and address when they have grounds to believe an offence of interest to the police has been, is being, or is about to be committed but that they have no powers or duties to demand name and address or to arrest suspects in respect to alleged TV licence evasion?

When will the training manual be updated to remove instructions to Capita/TVL employees to incite police officers to attempt to obtain information under oppression, commit acts of misconduct and breaches of the DPA?"

Please note that "TV Licensing" is a trade mark used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd ('Capita'). Over-the-counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Target Group ('Target') is the supplier for the Simple Payment Plan trial. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Media Planning Limited trading as Havas Media UK. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

Please be advised that the Act gives a general right of access to all types of recorded information held by public authorities; and we are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded. As your email comprises a series of queries, as opposed to requests for recorded information, they fall outside the scope of the Act.

I am mindful of our duty to advise and assist you under section 16 of the Act, and can tell you outside the scope of the Act that any legal advice obtained in respect of TV Licensing's enforcement activities is considered to be privileged.

As outlined on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-administering-the-licence-fee-AB20>, enquiry officers must abide by strict rules of conduct and TV Licensing uses various measures to ensure that officers are undertaking their responsibilities appropriately. Any complaints made about enquiry officers' conduct are investigated thoroughly and appropriate action taken.

Moreover, please also note that enquiry officers are not the police and do not have police powers. They have regard to the PACE Codes of Practice or Scottish criminal law (depending on where the address is) when questioning people. This information is readily available on the TV Licensing web-link provided above.

Appeal Rights

If you are not satisfied that the BBC has complied with the Act in responding to your request you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review under the Act 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 SK9 5AF. Tel: 0303 123 1113 or see <https://ico.org.uk/>

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

