



Information Policy & Compliance
bbc.co.uk/foi

William Thackeray

xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxx.xxm

18 February 2009

Dear Mr Thackeray,

Freedom of Information Request - RFI20090282

Thank you for your request under the Freedom of Information Act 2000 ("the Act") received on 6th February 2009. I have addressed your questions in turn below.

a) The band 'Jive Aces' performed as part of a BBC Children In Need event at Duxford on 17 November 2006. Was the BBC aware of the link between Jive Aces and Scientology recruitment?

Under the Act, the BBC is required to confirm whether it holds recorded information of the description requested. I can confirm that there is no recorded information held in relation to this question; however, the producer of the event has confirmed verbally that in relation to this event, the BBC were not aware of the link between the Jive Aces and Scientology.

b) Does the BBC undertake any background checks on performers, and if so what was the result of these checks in this case?

This information is not covered by the Freedom of Information Act 2000 ("the Act"). Your request falls outside the scope of the Act because the BBC and the other public service broadcasters are covered by the Act only in respect of information held for purposes "other than those of journalism, art or literature" (see Schedule 1, Part VI of the Act)¹. We are not therefore obliged 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.

However, outside the scope of the Act, the production team have explained that it would not normally be considered necessary to check the links of any organisation, group or individual to any

¹ For more information about how the Act applies to the BBC please see www.bbc.co.uk/foi Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.



particular faith unless there was a compelling editorial imperative to do so, e.g. for purposes of balancing or informing a debate or story.

c) Did any recruitment activity for Scientology organisations take place on-air or off-air at this event?

I can confirm that the BBC does not hold any recorded information in relation to this question. However, I can confirm that no such recruitment took place on air, and to the best of our knowledge, off-air either, although of course BBC staff did not monitor all conversations between members of the band and others at the event. As with other artists, the band arrived, carried out their sound check and waited in the green room, performed and then de-rigged.

d) Was the performance freely donated by Jive Aces, or was the band paid to perform? If the performance was freely donated, does it appear in the BBC's registry of gifts/donations/hospitality?

Your request is outside the scope of the Freedom of Information Act 2000 ("the Act") because the BBC and the other public service broadcasters are covered by the Act only in respect of information held for purposes "other than those of journalism, art or literature" (see Schedule 1, Part VI of the Act).

The BBC has released information relating to BBC network television programming in support of Children in Need and you may be aware of the Information Commissioner's decision notice (FS50102474) issued on the 11.12.06 in relation to the same. The BBC has significant concerns with some of the reasoning contained in that decision notice and will be raising these issues separately with the Commissioner. Whilst we believe that the BBC would have had good grounds to appeal against aspects of the Commissioner's decision, we decided not to do so on that occasion because of several factors that were specific to the production involved.

Should it be the case that the Act applies to the information you request, we would withhold it under 43(2) (commercial interests). This should not be taken to imply that the band did or did not receive a payment.

e) Has Jive Aces performed on the BBC at any other time over the past 5 years? If so, please provide details.

This information is not covered by the Freedom of Information Act 2000 ("the Act") for the reasons set out above. Information which is not subject to disclosure under the Act because of Schedule 1 might otherwise be exempt from disclosure because of the application of other provisions of the Act, for example the fees regulations under section 12.

Appeal Rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager. Please contact us at the above address, 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/>

Please note that the BBC does not offer an internal review when it considers that the information requested is not covered by the Act (questions (b), (d) and (e) in this case). In these cases, requesters may appeal directly to the Information Commissioner's Office. You may wish to be aware that the Information Commissioner has considered a similar request to request (e), about the amount of coverage devoted to a particular subject, and in that case agreed with the BBC that this type of information is not covered by the Act.

Yours sincerely

Rachel Hallett
Advisor, Information Policy & Compliance