



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

Connor A. Gurney  
e-mail: [request-435877-21ffa8b0@whatdotheyknow.com](mailto:request-435877-21ffa8b0@whatdotheyknow.com)

30 October 2017

Dear Mr Gurney,

## **Freedom of Information Act 2000 – RFI 20171456**

Thank you for your request under the Freedom of Information Act ('the Act') of 3 October 2017, seeking:

*"Please provide:*

- \* the source code for the Barlesque page framework*
- \* the source code of <http://news.bbc.co.uk/sport3/worldcup2002/>*
- \* the specification or any documentation for the "News Interactive" format (.stm files)*
- \* the source code and any documentation relating to the FTPBorg or Flip CMS systems"*

The BBC note that the Barlesque and FTPborg exist as a product with closed source code and the BBC do not currently have any plans to make this publicly available, the BBC does not publish the source code of its active systems (with the exception of those at <http://www.bbc.co.uk/opensource>).

The stm format is not a BBC or news specification, it is a convention for naming HTML files that have server-side includes, more information can be found at [https://en.wikipedia.org/wiki/Server\\_Side\\_Includes](https://en.wikipedia.org/wiki/Server_Side_Includes)

In accordance with section 1(1) of the Act, the BBC confirms that we do hold information within the scope of your request. However we consider this information to be exempt from disclosure under section 43(2) of the Act as disclosure would be likely to prejudice the commercial interests of the BBC by making available its confidential intellectual property.

Disclosure would be likely to:

- have a detrimental impact on the commercial revenue of the BBC if at a later date the BBC decided to license the use of Barlesque or FTPborg;
- weaken the BBC's or a third party's position in a competitive environment by revealing market-sensitive information or information of potential usefulness to competitors.

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 there is transparency in the accountability of the BBC for public funds;
- that business can respond better to opportunities with the BBC.

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;

I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **Appeal Rights**

If you are not satisfied that we have 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 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, tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>

Yours sincerely,

Information Rights

