



Information Rights

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

Fiona A M Oommen

request-494511-c6033464@whatdotheyknow.com

12 July 2018

Dear Ms Oommen,

Freedom of Information request – RFI20181219

Thank you for your request to the BBC of 28 June 2018 seeking the following information under the Freedom of Information Act 2000 ('the Act'):

"You are required by your Charter to engage positively with your listeners and that this should be reflected in your creativity and scheduling and in your pro-active methods to garner public opinion. Changes to the weekday Drivetime show 5pm Radio 2 have been deeply disappointing for many of the regular listeners (6M) and it seems to have created an outcry.

As a result of the poor response the BBC has given to this groundswell of opinion, I am asking for information about the a) rate of complaints for Radio 2 day time programmes and b) systems at the BBC to deal with a significant level of public concern, including who takes responsibility for it and how transparent is the reporting of these complaints numbers.

- 1. Please provide the number of complaints that the 5pm Simon Mayo Drivetime show received each week, over the 12 month period from May 4 2017 to May 4 2018*
 - 2. Please provide the number of complaints that have been sent to the BBC about the new Drivetime programme each week since w/c May 7 2018 until week ending 29 June 2018*
 - 3. Please provide the number of complaints of all other Radio 2 weekday programmes in the same two time period in questions 1) and 2) above.*
 - 4. Please give detail of who is answerable to report on these complaint figures and to whom do they answer and the frequency of this reporting. Please give detail of any explanations given of changes in the complaint numbers*
 - 5. Please explain what is the measure used to judge complaint numbers being 'significant' and when is it escalated to a higher board and who exactly will scrutinise this?*
- I am sure this data is within the established routines of the BBC and so I do not envisage that this request will be declined on the basis of undue cost or impracticality."*

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 and will not be doing so on this occasion. 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 activities¹.

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, tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.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,

Information Rights

BBC Freedom of Information
BC2 A4, Broadcast Centre
201 Wood Lane
London W12 7TP



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.