



Freedom of Information
Internal Review decision

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| Internal Reviewer | Douglas Marshall, Advisor |
| Reference | IR2013085 (RFI20130443) |
| Date | 19 February 2014 |

Requested information

The applicant wrote to the BBC on 16 March 2013 requesting the following information:

'What facts or evidence do you rely on to prove that the TV licence applies to me. Please do not quote Communication Acts or TV Legislation as this is only Legal opinion and not fact or evidence'

The BBC acknowledged the applicant's request on 18 March 2013, and responded on 16 April 2013. In its response the BBC interpreted the applicant's request, as a request for information detailing the requirement to hold a TV Licence. The BBC's response referred the applicant to recorded information detailing the legal requirements for a TV licence and the relevant legislation authorising the BBC to collect and enforce the TV Licence Fee, namely the following links to the BBC's TV Licensing Website:

<http://www.tvlicensing.co.uk/easy-read/EA25/>
<http://www.tvlicensing.co.uk/about/foi-legal-framework-AB16/>

The applicant wrote again to the BBC on 27 April 2013, asking:

Are the BBC not quoting legal opinion when they say I have to have a TV license. I am not asking for legal opinion I am asking a simple question, I'm just asking for empirical proof the TV Licensing legislation applies to me. Also do they have someone with first hand knowledge of the facts that TV licensing legislation applies to me, after all is this not the standard set by the legal system when giving evidence on legal opinion in court?

The applicant then requested an internal review of the BBC's handling of his request on 1 December 2013, which was acknowledged by the BBC on 16 December 2013.

Issues on review

The single issue for review is whether or not the BBC has provided the applicant with the information requested by virtue of his correspondence dated 16 March 2013.



This is in essence the following:

a) the legal requirements for a TV licence

and;

b) the legal basis by which the BBC is authorised to collect and enforce the TV Licence Fee.

Decision

I find that the BBC's response does address the applicant's specific request for the recorded information. Internet web links to the BBC's TV Licensing Website were provided to the applicant to explain the legislation that underpins the TV licencing regime. The BBC also provided the applicant with helpful information setting out the circumstances under which an individual is required to purchase a TV licence.

The applicant's email of 27 April 2013 poses further questions that constitute neither valid requests for information under the Freedom of Information Act, nor points that can or should be addressed as part of this internal review.

I therefore uphold the BBC's original decision with regard to this request.

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