

## Freedom of Information Internal Review decision

Internal Reviewer	Lawyer – Legal Workplace and Information Rights
Reference	IR20171917/ RFI2018017
Date	15 March 2018

### Requested information

On 26 December 2017, you made a request to the BBC under the Freedom of Information Act 2000 (the FOI Act) in the following terms:

*“This is a freedom of information request lodged under the Freedom of Information Act 2000 for full disclosure [sic] and publication of the BBC TV Licence Fee Unit's current TV Licensing Operations Plan.”*

On 25 January 2018, the BBC responded advising that:

*“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. 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.*

*I can confirm under section 1(1) of the Act that we have searched our records and do not hold any documents matching this specific description.*

*In line with our duty to advise and assist you under section 16 of the Act, if there is a particular aspect of TV Licensing’s operations that you are specifically interested in, please submit a revised request and we would be happy to consider it.”*

On 3 February 2018, you sought internal review of the BBC’s original decision. In your request for internal review, you said *“the TV Licensing operations plan is a document referred to by both the NAO and BBC TV Licensing contract between BBC and Capita so the information is held as a single document.”*

### The issue on review

The issue on review is whether the BBC handled your request in accordance with its obligations and duties under the FOI Act. In particular, as required by sections 1(1)(a) and (b), did the BBC

confirm or deny that it holds the requested information, and have that information communicated to you?

## Decision

The FOI Act provides a general right of access to recorded information held by public authorities. Section 1 of FOI Act provides that any person making a request for information is entitled to be told whether the public authority holds the information requested and, if held, to be provided with it.

In accordance with section 1(1)(a) of the FOI Act, I am satisfied that the BBC does not hold the information requested.

In reaching my decision, I have considered the Information Commissioner's guidance on determining when information is held by a public authority.<sup>1</sup> I also liaised with the BBC TV Licensing Management Team, the business area that is most likely to hold the requested information, if it were to exist.

In your request for internal review, you contend that the existence of the 'TV Licensing operations plan' as a single document is evident as both the National Audit Office (NAO) and the contract between the BBC and Capita (the Capita Contract) refer to this document.

While you have not specifically identified the NAO report that you refer to, the BBC TV Licensing Management Team advised that they reviewed the NAO's report on 'TV Licence fee collection', dated 23 January 2017,<sup>2</sup> as this is most likely to be the report that you referenced. A link to this report is provided below at footnote [2]. After reviewing this report, the BBC TV Licensing Management Team was unable to locate any referencing to 'TV Licensing operations plan'. The BBC TV Licensing Management Team advised that the NAO report only contained references to other types of plans. In addition, I confirm that I have also searched the NAO's report for an 'operations plan' and that I was unable to locate any referencing to such a plan.

The BBC TV Licensing Management Team also reviewed the terms and conditions of the Capita Contract, including relevant variations. The BBC TV Licensing Management Team again confirmed that it was unable to locate any referencing to 'TV Licensing operations plan' in these documents. Like the NAO report, the BBC TV Licensing Management Team was only able to locate referencing to other types of plans.

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<sup>1</sup> The Information Commissioner's guidance, accessible at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

<sup>2</sup> The report is accessible at [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/review\\_report\\_research/tvl/2017/licence\\_fee\\_collection.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/review_report_research/tvl/2017/licence_fee_collection.pdf)

Overall, the TV Licensing Management Team has advised that there is no reference to 'TV Licensing operations plan' in the NAO report on 'TV Licence fee collection' and the Capita Contract and that, as far as it can determine, no such document exists.

## **Conclusion**

Having regard to the searches that have been completed, I am satisfied that the BBC does not hold any documents matching the description of your request.

In these circumstances, I am satisfied that the BBC complied with its obligation under section 1(1)(a) of the FOI Act in denying that the requested information exists. The obligation under section 1(1)(b) of the FOI Act is not triggered.

## **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 0303 123 1113 or <https://ico.org.uk/>