



Information Rights

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

Mr P. Jones

Email: request-430662-84312946@whatdotheyknow.com

04 October 2017

Dear Mr Jones

Request for Information – RFI20171358

Thank you for your request of 10th September 2017 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"Over the last few weeks I noticed several online complaints about TV Licensing distributing correspondence in envelopes without the correct postage paid markings on them. The recipients of those TV Licensing missives were asked to cover the unpaid postage costs by Royal Mail.

Under the terms of the Act, please provide the following information:

- 1. The number of TV Licensing letters that have been distributed in envelopes without the correct postage paid markings. Please provide this information as a monthly breakdown since 1st January 2017.*
- 2. All correspondence between the BBC and relevant TV Licensing contractor about the distribution of these incorrectly marked envelopes. Please provide this information from 1st January 2017.*

In accordance with section 11 of the Act, I require your response to be delivered in electronic format to the return email address associated with this request."

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.

TV Licensing is aware of an error where a small number of envelopes for TV Licensing letters, containing TV Licences and payment plans, were missing a message to say postage had been paid. We have investigated what has happened and our supplier has taken steps to prevent this from happening again. We will be re-issuing these mailings to affected customers, with a covering letter apologising for the incident and

encouraging individuals to contact us if they've been inconvenienced by this issue. Please note that this incident is the only incident of this nature that occurred during the time period you have specified. To date, four complaints have been received.

I attach, as Disclosure document 1, recorded information relevant to your specific request. Please note that certain parts of the disclosure document have been redacted. This is because we consider that the information contained therein to be exempt from disclosure under the following sections of the Act. Each instance of redaction has been annotated to indicate which exemption has been applied. Please also note that any information that is not specifically relevant to your request has also been redacted.

Section 43 – Commercial interests

As you are aware from previous responses under the Act, sending out TV Licensing mailings comprises print and fulfilment. This is also carried out by Proximity which sub-contracts to Communisis Group (Communisis). We are redacting the name of Communisis' envelope supplier under section 43(2) of the Act, which states that information will be exempt under the Act if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). The BBC is of the view that the release of this information would be prejudicial to the commercial interests of Communisis and its envelope supplier.

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section 'Why information has been withheld' below.

Section 31 – Law enforcement

One section in the email dated 6th September 2017 has been redacted under section 31 of the Act, which relates to law enforcement; specifically, because disclosure would, or would be likely to, prejudice the prevention or detection of crime.

Section 40 – Personal Information

Personal information - primarily names and direct contact details of BBC and Capita employees who are not senior managers – has been redacted under section 40(2) of the Act. As you are aware, personal information about living individuals is exempt under the Freedom of Information Act if disclosure to a third party would breach one or more principles of the Data Protection Act 1998.

As junior members of staff at the BBC and from other organisations do not expect their details to be disclosed, to do so would be unfair; therefore, disclosure would breach the first principle of the Data Protection Act 1998 which requires data to be processed fairly and lawfully.

Why information has been withheld

As sections 43 and 31 are qualified exemptions, I am required by section 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. that the BBC is using public money effectively; and
2. that public funds are being appropriately applied, and specifically that:
 - a. the TV Licensing system is being efficiently run; and
 - b. value for money is being obtained.

Section 43

It is the BBC's contention that given its commercial sensitivity, these objectives will be prejudiced if the information requested is disclosed. I consider that the above public interest factors in favour of disclosure are served by the following:

The fact that the BBC is subject to a broad range of internal mechanisms, including oversight by the BBC Board which is responsible for ensuring the effective and efficient management of BBC finances and operations in accordance with the principles of regularity, propriety, value for money and feasibility (Articles 16 and 20(7)(a) of the Charter).

1. The BBC is required to comply with Ofcom regulations, the fair trading regime and competition law in general.
2. In the interests of transparency and accountability, certain limited information on expenditure is already provided in the BBC's Annual Report and Accounts and the TV Licensing Annual Review.

The following factors are in favour of withholding the information:

That the competitive position of companies, and/or their sub-contractors, in their particular market is not disadvantaged by doing business with the BBC. It would not be in the public interest to disclose information about a particular company if that information would be likely to cause commercial harm.

1. As the identity of Communisis' envelope supplier is not information in the public domain, revealing this would be likely to damage its business reputation or the confidence that customers, suppliers or investors may have in it.
2. Disclosing the name of the supplier would be likely to have a detrimental effect on the commercial relationship between that supplier and Communisis. This could also adversely affect the Communisis' negotiating position in future contractual negotiations with suppliers of this type of service.

In this instance, I consider that the public interest is served by ensuring that this information is protected. I am therefore satisfied, in terms of section 2(2) of the Act, that in all the circumstances of the case, the public interest in withholding the information outweighs the public interest (outlined above) in disclosing the information.

Section 31

With respect to section 31, we consider that disclosure of the redacted information could be exploited by those with malicious intentions to perpetrate fraudulent activities; and would, or would be likely to, prejudice our ability to prevent such criminal activity. Please note that we are not implying you wish to use any of the information you have requested for such purposes: however, information disclosed under the Act is considered to be disclosed to the general public and it is therefore necessary to take into account that it could be used for such purposes by others.

As section 31 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 have considered:

The BBC accepts that there is always a public interest in transparency, accountability and public understanding in respect of TV Licensing's operations. In this particular case the following factor is in favour of disclosure:

1. The disclosure of information would provide transparency regarding the full extent of investigations undertaken and arrangements put in place by TV Licensing in response to incidents of this nature.

In favour of maintaining the exemption we have considered:

1. The BBC has a duty to ensure that information provided by TV Licensing contractors is held securely and not exploited by those with malicious intentions to perpetrate financial crime.
2. Such fraudulent activity would compromise the measures put in place in respect of individuals genuinely affected by incidents of this nature.

There is hence a greater public interest in preventing fraudulent activity than in disclosing the information we are withholding. 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 (outlined above) in disclosing the information.

If you plan to publish a story on this information, please include the statement below:

A TV Licensing spokesperson said:

"TV Licensing is aware of an error where a small number of envelopes for TV Licensing letters, containing TV Licences and payment plans, were missing a message to say postage had been paid. We have investigated what has happened and our supplier has taken steps to prevent this from happening again. We will be re-issuing these mailings to affected customers, with a covering letter apologising for the incident and encouraging individuals to contact us if they've been inconvenienced by this issue."

Appeal Rights

If you are not satisfied that the BBC has 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 under the Act 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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.org.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

