



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Bilal Ghafoor
By email to request-153046-ed23922e@whatdotheyknow.com

12 April 2013

Dear Bilal Ghafoor

Freedom of information request – RFI20130428

Thank you for your request under the Freedom of Information Act 2000 (“the Act”) dated 13 March 2013. You requested the following information:

Could you please provide me with copies of the last 25 replies where the derogation has been used and the last 25 where it has not?

Also, for the last 2 months, please provide stats:

- a) how many cases have been totally refused under the derogation*
- b) how many refused partly under the derogation*
- c) how many where all information was released*
- d) how many where not all information was released, using an exemption excluding the derogation.*

The BBC takes its responsibilities under the Act seriously and aims to be as transparent and open as possible. We comply fully with the law and where information is withheld, this is in line with the exemptions under the Act. When requests fall outside the scope of the Act, the BBC endeavours to volunteer as much relevant information as possible, and also proactively publishes a large volume of programme related material on the BBC website.

I will address the second part of your request first. We have reviewed statistics for requests received in February and March 2013. Please note that not all of the requests received during this period are closed; the information we have provided relates only to closed requests.

183 of the requests received have been closed. When we close requests, we record the outcome as one of a number of fixed categories. A description of the categories we use is given as an appendix to this letter.

Of the 183 requests received in February and March 2013 which have been closed, we recorded the following outcomes:

Information excluded from the Act under Schedule 1

All information disclosed – 4
All information withheld – 88
Information partially disclosed – 19
Information not held – 1
Total: 112

Information covered by the Act

All information disclosed – 28
Information partially disclosed – 8
All information withheld – 21
Information not held – 13
Closed: no further information provided – 1
Total: 71

Turning to the first part of your request, you have also asked for a copy of the last 25 responses in which the derogation was used and the last 25 in which it was not.

I have reviewed the 183 requests from which the statistics above came, and looked at the dates on which they were closed in order to select the 25 most recent of each type. I have removed the names and contact details of the requesters, in line with our obligations under the Data Protection Act. Copies of the 50 responses are attached.

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, telephone 01625 545700 or see <http://www.ico.gov.uk/>

Yours sincerely

Rachel Hallett

BBC Information Policy & Compliance

Appendix – details of outcome

When we review our Freedom of Information statistics each year, we look at the following categories of outcome. The same outcomes are used whether the information requested is covered by the Act or not.

- All information disclosed
- All information withheld – the Act allows for information to be withheld where an exemption applies
- Information partially disclosed - this applies where some, but not all, of the information requested has been withheld under an exemption. Even if only a small piece of information (like a home telephone number) is withheld from a large amount of information, we would consider the outcome to be 'Information partially disclosed'
- Closed: no further information provided - for example, when the requester does not provide sufficient information to make a valid request under section 8 of the Act, or when the requester withdraws their request for information
- Information available elsewhere – this applies for example, when the information is available in the annual report or on the BBC website.
- Information not held

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, Gaelic Media Service (GMS) and S4C are the only broadcasters 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

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 BBC Trust (the sovereign body within the BBC) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC's independence and ensure the Corporation is accountable to its audiences and to Parliament.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.