



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

8 April 2013

Freedom of Information Act 2000 – RFI20130186

Thank you for your request under the Freedom of Information Act ('the Act') of 8 February 2013. For clarity of response, I have numbered your original questions as set out below;

*I would like to request details of the provisions and revisions to the tv license conditions for BBC programmes being released on iPlayer *ahead* of real TV broadcasts.*

*Currently people do not need a tv license to watch online streamed programs on any device *unless* they want to:- " watch TV online as it's being broadcast, you still need to be covered by a TV Licence" (also described here :- <http://bit.ly/UOcITm>)*

Please provide information held on/for:-

Q1 - Changes to the conditions of the TV license to cover these 'broadcasts'

Q2 - Any changes to the BBC definition of 'catch-up tv', 'on-demand tv', 'live broadcast' or broadcast'

Q3 - The BBC term by which these 'ahead of live' releases will be known

Q4 - Details of any planned changes to the BBC's TVL detection process

- + Planned or predicted reduction of TVL detector fleet planned percentage changes will suffice for year on year reductions*
- + Planned or predicted reduction of TVL detector staff numbers - planned percentage changes will suffice for year on year reductions*
- + Planned or predicted reduction of TVL 'investigation officer' numbers - planned percentage changes will suffice for year on year reductions*

- + *Changes to the detection process - plans for ISP's to be requested to provide name and address details of their customers using IP addresses to stream programs released in this way*
- + *Changes to the BBC iPlayer servers logs of connections/users*
- + *Changes to the use of BBC iPlayer servers logs of connections/users - is this planned to become evidence of the need for a tv license. If so what actions are planned to ensure that the user of an ip address really is the same as the ISP account holder (name and address)*

Q5 - *Changes already documented and prepared for the website <http://www.tvlicensing.co.uk>, in particular the page http://www.tvlicensing.co.uk/check-if-you-need-one/topics/technology--_devices-and-online-top8/ (or <http://bit.ly/UOcITm>)*

Q6 - *Changes already documented and prepared of the 'No license needed policy' (current version: <http://bit.ly/12bAOVF>)*

As you will be aware, your request seeks information in respect of the BBC's launch of a trial (for up to 12 months) which will allow up to 40 hours of programming across a range of genres to be shown on BBC Online before transmission on linear television channels. This type of programming is known internally within the BBC as 'online premieres' (Q3).

Existing permissions that govern the window for on-demand viewing are captured in the service licence for each BBC television channel. The licences state that the BBC: "... may also offer its broadcast content on fixed and mobile internet protocol networks or via other platforms for seven days after it has been broadcast."¹ The proposal to offer programmes online before broadcast on television is a variation to the service licences, and therefore it required approval from the BBC Trust. Details of approval by the BBC Trust Strategy and Approvals Committee can be found on the following link (see paragraph 173.1):

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/minutes/2012/19_dec.pdf

The BBC Trust would also need to approve any proposal to allow online premieres on a permanent basis.

In response to Question 1, it may be useful to explain that a valid TV licence is required to use a TV or any other device (for example, computers, laptops, mobile phones, games consoles, digital boxes and DVD/VHS) to watch or record television programmes as they are being shown on TV. If you use the BBC iPlayer to watch TV programmes at the same time as they are being shown on TV (live) then you will need a valid TV Licence; if you use on demand services (including the BBC iPlayer) only to watch online premieres (before their transmission on linear television channels) and exclusive online content, or to watch programmes after they have been broadcast, then you will not need a TV

¹ Copies of the Television Service Licence for each of the BBC television channels are available on the BBC Trust website: http://www.bbc.co.uk/bbctrust/our_work/services/television/service_licences.html

Licence. Therefore no changes to the terms & conditions of the TV Licence are required and the information you have requested is not held by the BBC.

You may find the following link helpful: <http://www.tvlicensing.co.uk/check-if-you-need-one/topics/terms-and-conditions-top11/>

Similarly, in respect of Questions 2, 4, 5 and 6, no changes are planned or required in the areas you have specified as a result of the trial of online premieres; the BBC therefore does not hold the information you have requested.

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 545 700 or see <http://www.ico.gov.uk/>

Yours sincerely,

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