



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

28 March 2013

Freedom of Information Act 2000 – RFI20130343

Thank you for your request under the Freedom of Information Act (the FOIA) of 2 March 2013, asking for information about the number of verbal FOIA and DPA requests that BBC Audiences Services has received. You would also like to know whether there is a 'two tier' system for dealing with FOIA requests within the BBC; which we understand to mean that you would like to know whether the BBC treats FOIA requests made by disabled persons differently from other requestors. The full wording of your request is set out in Appendix I.

I can confirm that the BBC does not hold a central record of verbal FOIA or DPA requests that it has received. To provide you with this number, we would need to review the file for every request received to determine whether it was made verbally or in writing. The BBC receives around 1700 FOIA requests and 50 subject access requests under the DPA each year. Therefore, even allowing a minimum estimate of just one minute for a member of staff to review the file of each request for one year would require over 29 hours.

Under section 12 of the Act, we are allowed to refuse to handle the request if it would exceed the appropriate limit which has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25). We are mindful of our duty under section 16 of the Act to provide reasonable advice and assistance to you, and specifically to advise how you might narrow your request so that it complies with the time limit. For example, you may consider narrowing your request to information within a specific time frame (for example a particular month).

In relation to your question about whether the BBC treats requests made by disabled persons differently from other requestors, you might be interested to know that the requirement for requests to be made in writing is not a BBC or BBC Audience Services policy – it is a legal requirement set out in the Act.¹ However, the BBC always seeks to make reasonable adjustments for any persons with disabilities who may not be able to submit a written request, for example, by accepting verbal requests or requests submitted on an individual's behalf. This is in line with our equality obligations,

¹ See section 8 of the Freedom of Information Act 2000.

and our duty to provide 'advice and assistance' to persons who propose to make a request for information under section 16 of the FOIA.

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,

Simon Pickard
Information Policy and Compliance

RFI20130343 – Appendix I – Details of your request

FOI request.

Disability legislation within the BBC. I have spoken to several disability charities. It is specifically regarding BBC audience services. According to previous verbal correspondence, the BBC audience services have a two tier disability access policy regarding requests for freedom of information.

The specific request was how many verbal foi or dpa requests have been put forward by ourselves.

How many verbal requests from BBC AS have been denied instantly without any confirmation of access for disability.

BBC have a policy of any foi requests have to be put forward in writing. I know for a fact that this is not so after speaking to several disability charities and I am putting in a foi act request verbally.

I have been told numerous times that all foi act requests must be put forward in writing. I have that in several telephone calls that you state that it must be in writing.

The charities have confirmed that if I request to make it verbally, they have to accept it. The BBC AS have denied at least twice FOI verbal requests. BBC AS supervisors, advised me that they had to be told before they could act of a disabled request. Does BBC as confirm or deny that there is a two tier system. Basically that AM have to announce that they are disabled before any action was taken. BBC can only give a level playing field if people identify themselves. That is discrimination that they have to announce this. People have to have the same level of service to physically or mentally disabled person. I feel that this is a case of discrimination through the legislation laid down by governments.

This is nothing to do with journalism, art or literature. It is to do with disabled access. BBC AS has separated able and disabled people."