



**BBC
TELEVISION LICENSING**

**WITHDRAWAL OF THE IMPLIED
RIGHT TO ACCESS POLICY
(WOIRA)**

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1. Purpose

- 1.1 To state the BBC's policy on the steps taken when people notify the BBC or TV Licensing that they have withdrawn the implied right of access (WOIRA) to their property by TV Licensing and its agents.

2. Scope

- 2.1 This policy sets out the procedure for:
- receiving notice of WOIRA;
 - encouraging customers to provide their name for Data Protection purposes;
 - the differences between the treatment of notice of WOIRA for licensed and unlicensed properties;
 - the enforcement process for unlicensed addresses where notice has been given; and
 - detection and search warrant procedures at WOIRA addresses.
- 2.2 This policy applies to residential and non-residential addresses.
- 2.3 Treatment of those who claim WOIRA at an address on the basis it does not need a licence is further detailed in the No Licence Needed Policy.

3. Definitions

- 3.1 **"Implied Right of Access"** – an implied right for a person who has legitimate business with the occupier to walk through an unlocked gate to the entrance of a property.
- 3.2 **"WOIRA"** – withdrawal of the implied right of access.
- 3.3 **"Notice of WOIRA"** – a notification of withdrawal of the implied right of access (email, letter, telephone call or verbally via a face to face contact) to the BBC or TV Licensing.
- 3.4 **"WOIRA Address"** - an address where the Authorised Person has notified TV Licensing of their withdrawal of the implied right of access.
- 3.5 **"Authorised person"** – a person with the power to withdraw the implied right of access i.e. the occupier of an address.

- 3.6 “**WOIRA status**” – the record made of a notice of WOIRA against an address, which results in the suppression of visits, subject to clause 7.3.

4 General Principles

Right of access

- 4.1 It is well established that an implied right of access to a property exists for those that have a legitimate reason to be on the property. This implied right allows the caller to come to the front door/gate if they have legitimate business with the occupier. If they are asked to leave then the implied right no longer applies. Enquiry officers have a legitimate purpose for their visits, to collect and enforce the TV Licence and accordingly have an implied right of access.

Trespass

- 4.2 Requests to withdraw the implied right of access must be respected¹ as TV Licensing Enquiry Officers would be committing trespass if they visited the address after the right of access had been withdrawn. The implied right can only be withdrawn by someone who has the authority to do so i.e. the occupier of the property.

Name not required

- 4.3 There is no legal requirement to provide a name when someone withdraws the implied right of access. However, TV Licensing will always request a name as this is the best way of ensuring we are corresponding with the occupier. The occupier has the power to withdraw the right and we wish to ensure, as far as is possible, that TVL is in contact with the correct person. By recording the occupant's wishes against their name, TVL maintains an adequate and accurate database in compliance with the 4th data protection principle to keep data “accurate and up to date” (Data Protection Act). This is also a preferred approach, as for unlicensed properties who give notice of WOIRA, there is an increased likelihood of detection. TV Licensing will continue contact via correspondence to confirm that it is still the same occupier. If a person responds to a letter addressed to the occupier then that is taken as confirmation that the person is the occupier or has the authority of the occupier.

5. WOIRA notification

- 5.1 TV Licensing may receive a notice of WOIRA via either:

¹ Except in Scotland, where the law of trespass is different. This means WOIRA is not recognised and WOIRA claims for Scottish addresses will not be processed.

- letter
 - email
 - telephone
 - verbally when an enquiry officer is told by an occupant that he has withdrawn the implied right of access.
- 5.2 Upon receipt of a WOIRA notification, written acknowledgement, which will include an explanation of what will happen as a result of the WOIRA status, will be sent to the individual by TV Licensing. The acknowledgement letter will provide them with a reference number which they will be advised they should quote when contacting TV Licensing in order to transfer their WOIRA to a new address.
- 5.3 As noted in 4.3 above, TV Licensing will always request a name to record the wishes of the individual against their name for Data Protection reasons. The name will be marked against the address for this purpose.
- 5.4 Regardless of whether a name is provided, once the occupant at an address has notified the BBC or TV Licensing of the withdrawal of the implied right to visit, a WOIRA status will be applied (see 3.6) within the timeframes defined in 7.1.
- 5.5 As withdrawing the implied right of access may be a potential method of evasion, unlicensed WOIRA addressees will be eligible to be sent mailings². This is part of TV Licensing's approach to these addresses to ensure it upholds its duty to collect and enforce the licence fee. Other enforcement methods may be used as necessary.

6. Visiting addresses

- 6.1 Addresses with a current WOIRA status must not be visited except under the authority of a search warrant (see 4.2 Trespass).
- 6.2 Addresses will become available for visits again under a limited number of circumstances – see 7.3 for details.

7. WOIRA Status

- 7.1 Once a notice of WOIRA for an address has been received, and in the case of written communications, once the notice has been reviewed, we endeavour to apply a WOIRA status within 3 working days to prevent the address being visited.

² Please note that addresses with a WOIRA status may receive a standard mailing referring to a visit if either 1) circumstances change at an address but the customer who claimed WOIRA hasn't notified TVL of the change or 2) where a customer does not respond to TVL mailings. Despite the suggestion in such mailings that a visit may occur the address will not in fact receive a visit.

- 7.2 Individuals are entitled to withdraw the right to visit for an indefinite period. However, as circumstances can change, e.g. when people move house, TV Licensing needs to ensure that a WOIRA status recorded against an address continues to be accurate. An enquiry letter asking if the situation remains the same may be sent to WOIRA status properties periodically.
- 7.3 The WOIRA status against an address may be removed-
- If TV Licensing receives no response to communications
 - OR
 - If TV Licensing receives data that indicates the person who withdrew the implied right of access is no longer at the address.
- 7.4 If individuals with a WOIRA status contact TV Licensing to say they are moving and request the transfer of their WOIRATV Licensing will transfer the WOIRA status to their new address. This will prevent visits to the new address. Providing the individual gives us their WOIRA reference number (which the acknowledgement letter will request) or their old address the WOIRA status will also be removed from the old address, which will help ensure our records are kept up-to-date.

8. Detection and Search Warrant Procedures

Given that TV Licensing is unable to visit WOIRA status addresses, detection and search warrants will be used as necessary and appropriate.

- 8.1 A WOIRA status will remain in place regardless of the results of detection but addresses may still be visited if a search warrant is obtained by TV Licensing.
- 8.2 Detection will be carried out in accordance with the BBC Policy on the Authorisation and Operation of Detection Equipment under the Regulation of Investigatory Powers Act 2000.
- 8.3 Search warrants will be executed in accordance with the Capita Search Warrant Policy.