



Information Rights

[bbc.co.uk/foi](http://bbc.co.uk/foi)      [bbc.co.uk/privacy](http://bbc.co.uk/privacy)

Patrick Fischer

Via email: [request-421199-781f98e9@whatdotheyknow.com](mailto:request-421199-781f98e9@whatdotheyknow.com)

23 August 2017

Dear Mr Fischer,

### **Request for Information – RFI20171131**

Thank you for your request of 27 July 2017 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*“Can you therefore please tell me, by reference to staff training documentation, policy documents, intranet content etc.*

- 1. If your WOIRA policy as detailed in RFI20111356 is still accurate at the time of this request? (If any details have changed with respect to these details, please provide up-to-date copies.)*
- 2. If the above-mentioned policy also applies to Scottish residents under Scottish law, or if it is otherwise limited to only certain constituent countries of the United Kingdom?*
- 3. If the above-mentioned policy does not apply to Scottish residents under Scottish law, how would a member of the public resident in Scotland signify to BBC TV Licensing their instruction to withdraw access rights to their property such that BBC/TV Licensing would respect their instructions? (For clarity: so that no further letters would be sent by you and no "visits" attempted).”*

### **Response**

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.

We shall address your requests in turn below.

## **Requests 1 and 2**

Firstly, please be advised that the Act gives a general right of access to all types of recorded information held by public authorities. We are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

We attach, as Disclosure document I, a copy of the BBC Television licensing Withdrawal of the Implied Right to Access Policy (WOIRA); which is recorded information relevant to these parts of your request.

## **Request 3**

Whilst this is a query rather than a request for recorded information, we consider the following extract from the TV Licensing Visiting Procedures as relevant to your question. This is what our enquiry officers inform individuals in the circumstances you have outlined:-

*“The withdrawal of the common law right for TV Licensing’s officers to approach your property is not recognised under Scottish law.”*

## **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.gov.uk/>.

Kind regards,

Rupinder Panesar

**Freedom of Information Advisor, TV Licensing Management Team**

encl: BBC Television Licensing Withdrawal of the Implied Right to Access Policy (WOIRA)

## **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, S4C and MG Alba are the only broadcasting organisations 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](http://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](http://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.