

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2013

Public Authority: British Broadcasting Corporation

Address: BC2 B6 Broadcast Centre
White City
Wood Lane
London
W12 7TP

Decision (including any steps ordered)

1. The complainant made a request to the BBC for information concerning TV Licensing and data protection.
2. The Commissioner's decision is that the BBC breached section 10(1) of the FOIA as it failed to provide a response to the request within the statutory time frame of 20 working days. He upholds the complaint but requires no further action to be taken as a response has now been provided to the complainant.

Request and response

3. On 25 August 2013, the complainant wrote to the BBC and requested information in the following terms:

"The TV Licensing contracted companies hold a wide range of customer personal data on behalf of the BBC. The Data Protection Act 1998 states that: "Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data."

Please provide the following information:

- *The number occasions that TV Licensing has lost or unintentionally released customer personal data. Please provide this as an annual breakdown from 2005 to the present time.*

- *For each occasion given in response to question 1:
The number of customers whose data was involved;
The nature of the data compromised (e.g. addresses, phone numbers,
payment details).*
 - *The number of times TV Licensing has reported data breaches to the
Information Commissioner's Office. Please provide this as an annual
breakdown from 2005 to the present time.*
 - *For the purposes of this request by "TV Licensing" I mean any of the
companies contracted by the BBC to undertake TV licence
administration or enforcement work; by "unintentionally released" I
mean any instance when data is released to an unauthorised recipient,
whether the data released is in physical or electronic format."*
4. On 27 August 2013 the BBC acknowledged receipt of the request.
 5. On 19 September 2013 the BBC contacted the complainant and explained that due to staff sickness it did not expect to meet the 20 working day deadline for response.
 6. On the same day the complainant wrote to the BBC reminding it that regardless of the circumstances it was still obliged to respond within 20 working days of receiving his request.
 7. On 17 October 2013 the BBC provided the complainant with the response for the requested information. It apologised for the delay in issuing this response and it stated that it accepted it had failed to meet the statutory 20 day deadline on this occasion.

Scope of the case

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8. The complainant contacted the Commissioner on 24 September 2013 to complain about the BBC's failure to respond to the request. The complainant has now received a substantive response from the BBC. However, he has asked the Commissioner to issue a decision notice regarding the timescales involved in dealing with his request.
 9. Therefore the Commissioner has considered whether the BBC complied with section 10 of the FOIA when dealing with this request.

Reasons for decision

10. Section 1(1) of the FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant.
11. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
12. The Commissioner has considered whether the BBC responded to the request of 25 August 2013 in line with the provisions of the FOIA. In this case the BBC did not issue a substantive response until 17 October 2013.
13. The BBC advised that the delay was due to staff sickness and the amount of work involved in collating the data, which had taken approximately 14 hours (close to the 2.5 day limit).
14. From the information provided to the Commissioner in this case it is evident that the BBC did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
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SK9 5AF