

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 May 2015

**Public Authority:** The British Broadcasting Corporation  
(‘the BBC’)

**Address:** 2252 White City  
201 Wood Lane  
London  
W12 7TS

#### Decision (including any steps ordered)

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1. The complainant requested information on the costs and attendees of BBC functions during the political party conferences. The BBC confirmed that they did not hold any further information. The complainant considered that more information must be held by the BBC.
2. The Commissioner’s decision is that the BBC does not hold any further information in this case.
3. The Commissioner does not require the BBC to take any steps.

#### Request and response

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4. On 13 October 2014 the complainant requested the following information:

*‘Please provide a breakdown of all costs incurred by the BBC at each of the following autumn political party conferences held in September and October 2014: Labour; Liberal Democrat; Conservative; UKIP.*

*In each case I would be grateful if you could state:*

*a) How much the BBC spent on hiring exhibition stands*

*b) Which BBC employees, including any member of the BBC Trust and BBC Executive Board as well as anyone else, attended any functions*

*hosted or co-hosted by the BBC – i.e. a breakfast, lunch, dinner, drinks party or other. Could you also please state where each function was held; when it was held; and how much it cost*

*c) Finally, if possible I would also be grateful if you could state which MPs and /or peers attended each function*

*d) How much the BBC spent on hiring exhibition stands?*

*Please could the response be provided on the same basis as it was in a similar request last year [Ref: RF120131429].'*

5. On 7 November 2014 the BBC responded and stated that the costs of hiring exhibition stands (requests a and d) would not be provided as the information was excluded from the Act because it is held for the purposes of 'journalism, art or literature'.
6. In response to request b the BBC explained that a meeting was held by BBC News at the Labour, Liberal Democrat and Conservative party conferences and that the requested details in relation to those meetings is also excluded from the Act. This was not disputed by the complainant and therefore is not considered here by the Commissioner
7. The BBC confirmed that it held fringe events at the Labour and Liberal Democrat party conferences and provided further information about these events.
8. In response to request c the BBC provided the names of the MPs chairing the panels at the fringe events.
9. On 10 December 2014 the complainant requested clarification and an internal review on parts b and c of the request:

*'In respect of Part B of my request can you please confirm that only these meetings took place and that no informal private dinners or other events that would fall within the scope of my request occurred? Your 2013 response indicates that the BBC hosted informal dinners at all three of the main party conferences hence my seeking clarification/review. If there were informal dinners then I would ask that the details of cost, venue and attendees be released as requested as I do not feel that these events would fall under your derogation for journalism, art and literature.*

*With regard to Part C, please would you confirm that the named MPs were the only MPs/Peers present at those fringe events hosted by the BBC?'*

10. On 12 January 2015 the BBC upheld its position at the internal review and provided further clarification.

*b) ' the nature of engagement at the 2014 Conservative, Labour and Liberal Democrat conferences was different to that of 2013. It was for this reason that the information that was given in the BBC's 2014 response was different to that of 2013.'*

*c) ' no logs were kept of those that attended the fringes in 2014. As such, the BBC was only able to provide the names of those who were panellists for each fringe.'*

### **Scope of the case**

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11. On 13 March 2015 the complainant contacted the Commissioner as he considered that more information must exist and found *'it hard to believe that the procedure would have changed that much so that the information was not held'*.
12. The Commissioner has considered whether section 1 of FOIA was applied correctly in this case

### **Reasons for decision**

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13. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
14. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities.
15. In other words, in order to determine such complaints the Commissioner must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
16. In response to the Commissioner's questions about the location of the information, the BBC confirmed that it did not hold any further recorded information falling within the scope of the request.

17. The BBC explained that *'a fringe event was held at the Labour party conference and at the Liberal Democrats party conference. These two events were chaired by a member of the BBC Executive and an MP from the relevant party. These fringe events were open to everyone who attended the conferences and therefore RSVPs were not required. There was no guest list and names were not taken on the door. This is standard practice for events such as this at party conferences. There are no records of any other events taking place during the party conferences.'*
18. The BBC explained that the organiser of the fringe events has searched his email account for any information relating to attendees. A search was also made of emails on the BBC's network using a number of search terms.
19. Having considered the BBC's responses to the Commissioner's investigations, the Commissioner is satisfied that, on the balance of probabilities, the BBC does not hold any further recorded information within the scope of the request.
20. The Commissioner understands the reasons why the complainant considers further information may be held, but the Commissioner can only consider what is held. It is outside the Commissioner's remit to determine if it should be held, and even if it should be, he cannot require a public authority to create the information under the FOIA.
21. As the Commissioner's decision is that the information is not held, the Commissioner does not require the BBC to take any steps.

## Right of appeal

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22. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

23. 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.
24. 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 .....**

**Pamela Clements  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**