

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2016

Public Authority: The British Broadcasting Corporation ('the BBC')

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

Decision (including any steps ordered)

1. The complainant requested copies of all communications concerning information that was accidentally released by the BBC. The Commissioner's decision is that the BBC has failed to provide a response to the request within the statutory time frame of 20 working days. She upholds the complaint but requires no further action to be taken as a response has now been provided to the complainant.

Request and response

2. On 18 July 2016, the complainant wrote to the BBC and requested information in the following terms:

'With regard to the information you accidentally released when you responded to this Freedom of Information request:

https://www.whatdotheyknow.com/request/monthly_performance_pack_2

Please provide copies of all communications, internal, external and all reports and other recorded information relating to the breach of this information. I assume there has been some form of an investigation as to what happened and how, the impact of the release and potential mitigation against the impact of it, correspondence with third parties (perhaps Capita and WhatDoTheyKnow) and other such.'

3. The BBC provided an interim response on 15 August 2016.

Scope of the case

4. The complainant contacted the Commissioner on 17 September 2016 stating that he had not received a response.
5. During the investigation, the Commissioner contacted the BBC on 5 occasions in October and November and the BBC provided a response on 1 December 2016.
6. The Commissioner considers the scope of this case to be to determine if the response to the request for information has been dealt with within the required timescales under section 10 of the FOIA.

Reasons for decision

7. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, to disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
8. Section 10 of FOIA states 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."
9. In this case the original request was made on 18 July 2016. The BBC provided the interim response on 15 August and provided a further response on 1 December 2016.
10. As the BBC did not provide a response within 20 working days it did not comply with section 10(1) FOIA in handling this request.
11. The Commissioner has therefore recorded a breach of section 10(1) of the FOIA by the BBC.

Right of appeal

12. 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

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

13. 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.
14. 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