

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 April 2018

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

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

Decision (including any steps ordered)

1. The complainant has requested information relating to the amounts of payments through personal companies. The BBC failed to respond to this request for information and the Commissioner's decision is that in doing so the BBC breached section 10(1) of the Freedom of Information Act 2000 (FOIA). The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

3. On 31 January 2018, the complainant requested the following information:

'If it is not possible to answer question 2 as well as question 1 due to the request exceeding the cost of compliance limits identified in Section 12, please ignore this question and just answer question 1.'

If any of this information is available publicly, please provide a link to the document or webpage where the information, exactly as requested, is published.

I understand you are required to respond to my request within 20 working days after you receive this letter.

Questions:

Background: The BBC has previously confirmed to me under FOI that 66 of the 96 people who were paid more than £150,000 of licence fee revenue in the financial year 2016/17 were paid through personal companies, rather than through payroll.

I also asked for a list of these individuals but this was declined as 'personal information about living individuals' which is exempt if disclosure to a third party would breach one or more principles of the Data Protection Act 1998.

The following questions relate to just the amounts paid to individuals paid through personal companies - not their identities - so there is no reason disclosure would breach the Data Protection Act.

1. Since April 2013, what is the total amount of licence-fee money that has been paid to the 66 through their personal companies?

(By 'the 66' I mean the 66 people who were paid more than £150,000 of licence fee revenue in the financial year 2016/17 and had their reimbursements paid through personal companies, rather than through payroll.)

2. For the financial years 13/14, 14/15, 15/16, 16/17 and so far in 17/18: -What is the total amount that year paid to people earning more than £50,000 of licence fee revenue paid through personal companies, rather than through payroll?'

4. The BBC acknowledged the request on 7 March 2018 after the complainant chased for a response.
5. The Commissioner wrote to the BBC on 22 March 2018 advising them that they must provide an adequate response to this request as section 17 requires. The Commissioner instructed the BBC to issue an adequate response to the request within 10 working days.
6. The complainant contacted the Commissioner on 23 April 2018 as he had still not received a response. The Commissioner telephoned the BBC on the same day seeking an update. On 24 April the BBC advised the complainant and the Commissioner that '*regrettably, the BBC is unable*

to provide you with a response at this time but we will endeavour to respond to you shortly.'

7. At the time of writing the BBC has failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on 7 March 2018 (and 23 April 2018) to complain about the failure of the BBC to respond to this request.

Reasons for decision

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
11. In this case the BBC has breached section 10(1) by failing to respond to the request within 20 working days.

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: <http://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
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