

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 June 2021

Public Authority: British Broadcasting Corporation
Address: BBC Broadcasting House
Portland Place
London
W1A 1AA

Complainant:

Address:

Decision (including any steps ordered)

1. The complainant has requested information relating to the mandatory unconscious bias training that is currently offered by the BBC Academy which is an educational arm of the British Broadcasting Corporation (BBC).
2. The Commissioner's decision is that the BBC has breached section 10(1) (time for compliance with request) of the FOIA. This is because the BBC failed to disclose information in response to this request within the statutory timeframe of twenty working days following the date of receipt.
3. As a response has now been provided, the Commissioner does not require the BBC to take any steps in relation to this decision notice.

Request and response

4. On 23 November 2020, the complainant wrote to the BBC and requested information in the following terms:

"Please provide a copy of all mandatory unconscious bias staff training course material currently being offered by the BBC Academy. If a complete version is not available due to time limits, please provide as much course content as possible."

Please provide a list of the titles of all mandatory unconscious bias staff training courses currently being offered by the BBC Academy."

5. The BBC responded on 18 December 2020 and disclosed the titles and synopses of the courses in question. However, the BBC refused to provide a copy of the course material, citing section 12 (cost of compliance exceeds appropriate limit) of the FOIA.
6. Following an internal review the BBC wrote to the complainant on 26 January 2021 and revised its position. The BBC explained that it was incorrect to cite section 12 of the FOIA but that it was still withholding the course materials, this time citing section 43(2) (commercial interests) of the FOIA as its basis for doing so.
7. In line with her processes, the Commissioner contacted the BBC on 23 March 2021 and asked it to consider changing its response to the request or provide full and final arguments as to why it believed section 43(2) of the FOIA applied.
8. Following this correspondence the BBC wrote to the complainant on 28 May 2021 and stated upon reviewing the request, and consulting the relevant areas of the business, the BBC Academy and Diversity and Inclusion, it had once again revised its position. A copy of all relevant training materials was then disclosed to the complainant.

Scope of the case

9. The complainant contacted the Commissioner on 29 January 2021 to complain about the way their request for information had been handled.
10. Since all information that falls within the scope of this request has now been disclosed, the Commissioner considers the scope of her investigation limited to whether the BBC has breached section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance with the request

11. Section 1(1) (general right of access to information held by public authorities) states that:

*"Any person making a request for information to a public authority is entitled –
(a) to be informed in writing by the public authority whether it holds*

information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.

12. Section 10 (1) of the 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."

13. Since the complainant made their request on 23 November 2020, all disclosable information which fell within the scope of this request should have been disclosed no later than 22 December 2020. The Commissioner notes that this did not occur until 28 May 2021.

14. Therefore the Commissioner's decision is that the BBC has breached section 10(1) of the FOIA.

15. As the requested information has now been disclosed no further action is required from the BBC in relation to this matter.

Right of appeal

16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

17. 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.
18. 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

**Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**