

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2024

Public Authority: British Broadcasting Corporation (BBC)

Address: BBC Broadcasting House
Portland Place
London
W1A 1AA

Decision (including any steps ordered)

1. The complainant has requested information about the number of different languages spoken or written by BBC staff. The BBC initially advised the complainant that it did not hold the requested information, however at internal review the BBC advised that it was relying on section 12(2) for part of the request.
2. The Commissioner's decision is that section 12(2) of FOIA is not engaged. However, the BBC is entitled to refuse to comply with the request under section 12(1) of FOIA as to do so would exceed the appropriate cost limit. The Commissioner also finds that there was no breach of section 16 of FOIA.
3. The Commissioner does not require further steps.

Request and response

4. On 28 November 2023, the complainant wrote to the BBC and requested information in the following terms:

"Under the Freedom of Information Act, I'd like to request the following information:

- A list of languages that BBC employees can speak and write and, where known, the number of employees who speak and write each of these languages

- given any known usage/knowledge of these languages, a list of dialects spoken and written by BBC employees including, where known, the number of employees who are deemed proficient in each dialect
 - where known, please also provide numbers on accents used by employees and numbers associated with each accent."
5. The BBC responded on 21 December 2023. It stated that it did not hold the requested information but advised:
- "BBC World Service Languages alone have staff who speak at least 41 Languages and several of them probably speak more than one Language. Within the BBC there are around eighteen thousand employees who may speak other languages including Welsh, Gaelic etc and we hold no information on this."
6. Following an internal review, the BBC wrote to the complainant on 26 February 2024. It maintained its position that it did not hold the requested information for the first part of question one and questions two and three of the request but advised that it was relying on section 12(2) to refuse the second part of question one.

Scope of the case

7. The complainant contacted the Commissioner on 3 March 2024 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine whether the BBC was correct to rely on section 12(2) of FOIA to refuse the request.

Reasons for decision

Section 12 – Cost of Compliance

9. Under section 1(1)(a) of FOIA a public authority must confirm whether or not it holds information. Under section 1(1)(b) it must communicate the requested information to the applicant if it is held and is not exempt from disclosure.
10. Under section 12(1) of FOIA a public authority is not obliged to comply with section 1(1) if the authority estimates that the cost of complying would exceed the appropriate limit. This is £450 (18 hours work) for public authorities such as the BBC.

11. Under section 12(2) a public authority does not have to comply with section 1(1)(a) if even the cost of confirming whether or not it holds the requested information would exceed the appropriate limit.
12. Where a public authority has found it cannot provide part of the requested information within the cost limit, section 12 of FOIA will apply to the whole request.
13. Under section 16(1) a public authority relying on section 12 must provide advice and assistance to the applicant, if it is reasonable to do so, to help them refine their request to bring complying with it under the cost limit.
14. In its internal review response, the BBC explained that it does not have a central database that records the languages spoken or written by BBC staff, and there is no policy requirement that such information is recorded. However, the BBC explained that it is aware from its enquiries that some BBC staff records may hold this information. The BBC explained that this would depend on whether the employee voluntarily provided that information to the BBC as part of their 'onboarding' process.
15. Therefore, the BBC considers that determining whether the information is held for each staff member, and extracting and collating the information, would require a manual review of each individual personnel record to see whether there is language information recorded. If information on languages has been recorded, the BBC would then need to create a manual tally of language information held. It advised that there is no way of conducting the search electronically. As the BBC employs approximately 18,000 employees, it explained that, even allowing a conservative time of two minutes per employee, this would require 600 hours of work.
16. In its submission to the Commissioner, the BBC clarified that the references to languages spoken by BBC World Service staff included in its response of 21 December 2023 actually referred to the number of languages that the BBC World Service broadcasts in, which is 42.
17. Given that the BBC does not hold the requested information centrally and it would need to manually check a large number of staff personnel files to determine if it held information within scope of the request, the Commissioner considers that the BBC estimated reasonably that it would take more than the 18 hour limit to comply with section 1(1) of FOIA.
18. As the BBC has advised that its enquiries have revealed that some of the requested information may be held in staff files, the Commissioner

finds that section 12(2) is not engaged. However, he considers that the BBC is entitled to rely on section 12(1) of FOIA to refuse the request.

Section 16 – duty to provide advice and assistance

19. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice¹ in providing advice and assistance, it will have complied with section 16(1).
20. The Commissioner notes that in its internal review response, the BBC advised the complainant that it did not believe it would be possible to offer advice which will meaningfully narrow the scope of the complainant's request such that the BBC would be able to respond to it within the time limit.
21. In its submission to the Commissioner the BBC further explained that it had considered whether it would be possible to suggest that the scope of the request could be narrowed to specific divisions within the BBC, for example its News division or World Service. However, the BBC concluded that this would be unlikely to reduce the time of compliance to below the appropriate limit because of the large size of the subdivisions. For example, the BBC News division alone has nearly 5000 employees.
22. The BBC added that it also considered whether it may be able to provide the information if the complainant provided a list of names of BBC staff whose language information the complainant was interested in. It determined that this did not seem like a practical suggestion as it would be unlikely that the complainant already had a list of specific individuals in mind, and the BBC would also need to further consider whether disclosing the information would be in breach of the data protection principles.
23. The Commissioner has considered the BBC's reasoning and in the circumstances, he considers that the request couldn't be refined to bring complying with it within the cost limit and so there was no breach of section 16(1).

¹ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

24. 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

25. 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.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Keeley Christine
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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