

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 April 2013

**Public Authority:** The British Broadcasting Corporation ('BBC')  
**Address:** 2252 White City  
201 Wood Lane  
London  
W12 7TS

### Decision (including any steps ordered)

---

1. The complainant has requested information relating to the Pollard Review. The BBC informed the complainant information was held but was for the purposes of journalism, art or literature and therefore outside the scope of the request.
2. The Commissioner's decision is that the BBC breached section 10(1) of the FOIA as it did not respond to the complainant's request within the statutory time for compliance. The Commissioner requires no steps to be taken.

### Request and response

---

3. On 15 December 2012, the complainant wrote to the BBC and requested information relating to the Pollard Review in the following terms:  
  
*"1. A full list of witnesses; dates on which they gave evidence; the place where they gave evidence; and the length of time they gave evidence.  
2. A full list of all companies associated with the Review including PR/communications firms and law firms and an explanation of their role.  
3. A full breakdown of all expenses incurred by companies and individuals associated with the Review if these expenses were billed separately to their agreed fees.  
4. A full list of any accommodation and travel expenses claimed by any company or individual associated with the Review including witnesses.*

- 5. A full breakdown of all administrative costs incurred by the BBC including stationery, printing costs etc.*
  - 6. A full breakdown of all legal costs associated with the Review including the names of all barristers/solicitors/legal advisers who played any part in the Review, the names of their firms and their hourly or daily rates and final bills.*
  - 7. A full breakdown of all costs associated with venue hire for the Review.*
  - 8. A full breakdown of all food and drink costs.*
  - 9. A full breakdown of all VAT costs.*
  - 10. The amount Nick Pollard was paid to chair the Review and an explanation of whether he was paid hourly, daily, weekly or monthly and how this pay structure was reached."*
4. The BBC acknowledged this request on 17 December 2012 but did not send any further response. The complainant therefore complained to the Commissioner.
  5. The Commissioner began his investigation and the BBC, following his intervention, provided a response to the complainant on 6 March 2013. In this response the BBC explained it considered the Pollard Review to be outside the scope of the FOIA as it related to the maintenance and enhancement of standards and quality of journalism. However, the BBC explained it had published the appendices to the inquiry and would be publishing information on associated costs in the future.

### **Scope of the case**

---

6. The Commissioner has considered whether the BBC complied with its obligations under the FOIA when dealing with this request.
7. As a response has now been provided to the complainant and he has indicated he is satisfied with this response, the Commissioner has only considered whether the BBC complied with the procedural requirements of the FOIA when dealing with this request.

### **Reasons for decision**

---

8. Section 10(1) states that:

"Subject to subsections (2) and (3), 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. During the course of the Commissioner's investigation the BBC provided the complainant with a response. As this information was not provided within the statutory time for compliance the Commissioner considers that the BBC breached section 10(1) in its handling of this request.

## Right of appeal

---

10. 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: 0116 249 4253

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

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

11. 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.
12. 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, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**