

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 April 2024

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

Decision (including any steps ordered)

1. The complainant has requested information relating to Jimmy Savile. The BBC denied holding any information within the scope of the request.
2. The Commissioner's decision is that, on the balance of probabilities, the BBC doesn't hold any information within the scope of the request.
3. The Commissioner does not require further steps.

Request and response

4. On 14 October 2023, the complainant wrote to the BBC and requested information. Due to the length of this request, it's outlined in an annex to this notice.
5. The BBC responded on 7 November 2023. It denied holding any information within the scope of the request.
6. The complainant requested an internal review on 18 November 2023, they expressed concern it was 'highly likely' that the BBC held information relevant to the request.
7. The BBC provided the outcome to its internal review on 12 February 2024. It upheld its previous position.

Reasons for decision

Section 1 – general right of access to information

8. In cases where a dispute arises over the recorded information held by a public authority at the time of a request, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority held information relevant to the complainant's request at the time that the request was received.
9. In order to make his determination, the Commissioner considered the searches the BBC had undertaken to locate any information that would fall within the scope of this request, why these searches would have been likely to locate all of the information in scope and the complainant's arguments.
10. In its refusal notice, the BBC explained:

"The BBC Archive have undertaken file and index searches using the term 'honours'...whilst numerous files were found relating to the recommendations of awards there was nothing relevant to the late Jimmy Savile identified.

These file titles include:

 - Honours Lists
 - Honours Lists – Recommendations and Awards
 - Chairman Honours
 - Honours (BBC and Non BBC staff).
11. It seems logical to the Commissioner that, since the request relates to the consideration and awarding of honours, any relevant information would be retrievable using the term 'honours.' Furthermore, due to the age profile of the requested information, it's also logical that the BBC would search its archive.
12. The Commissioner understands that there are approximately 507000 physical documents in the archive, as well as information held electronically. The archive does not contain all historical information created by the BBC and it doesn't have a record which describes all information that hasn't been preserved by the archive.

13. The Commissioner understands that that there are limitations to the search functions relating to the archive. The BBC explained:

“electronic and manual keyword searches will only identify a physical file whose catalogue information contains the keyword(s) used to conduct the search. Accordingly, individual hard copy documents that contain a keyword will not be responsive to a keyword search if that keyword does not form part of the information used to catalogue the physical file in which that hard copy document is held.”
14. The Commissioner understands that electronic documents stored in the archive are done so on SharePoint, which doesn't have such search limitations.
15. When requesting their internal review, the complainant asked the BBC to expand its search terms and locations, including 'Savile', 'Knighthood', 'CBE' and within its HR systems and the office of the Director General.
16. In its internal review outcome, the BBC acknowledged the obstacles it faced when performing key word searches in physical files in its archives. Therefore, it confirmed that a manual review of the files referred to in paragraph 10 had been undertaken 'and nothing relevant was found with regards to recommendations that honours be awarded to Jimmy Savile.'
17. With this in mind, the BBC confirmed that it didn't consider it necessary to manually search the contributor files for Jimmy Savile, which is where the majority of the information held relating to the individual will be held; just as the majority of the information held relating to the awarding of honours would be held in the four files referred to in paragraph 10.
18. Furthermore, the Commissioner understands that copies of the Savile contributor files have already been provided to the complainant, in response to a previous FOI request.
19. Returning to the complainant's specific requests as outlined in paragraph 15, in its internal review outcome the BBC explained that further enquiries were made with both HR and the office of the Director General.
20. It confirmed that a search of the current Director-General's office records found nothing within the scope of the request and correspondence relating to the Director General, and from the time period requested, would have been sent to the archive. Furthermore, the HR team explained that Jimmy Savile was not an employee of the BBC but a contributor; and therefore didn't have a personnel file and

again, the contributor files have previously been disclosed to the complainant.

21. The BBC confirmed that it had widened the search terms used to identify any relevant information. It used the following search terms when searching electronic files in the archive: "Nomination + Savile"; "Knighthood + Savile"; "Honours + Savile"; "Awards to Staff + Savile"; "Awards to Contributors + Savile"; "recommendation/nomination for award/knighthood/honours" plus Savile"; "Director General/DG + honour PLUS Savile"; "Bill Cotton" "recommendation/nomination" PLUS Savile". It searched the catalogue for hard copy documents using "Knighthood"; "Savile"; and "Saville."
22. The complainant has argued that a contributor, rather than a member of staff, could still be recommended for an honour by the BBC and it regularly occurs. However, they have provided no further arguments as to why the information would be held.
23. To reiterate, the Commissioner is only required to determine, on the balance of probabilities, whether a public authority holds information relevant to a request. He isn't required to prove whether information is held beyond reasonable doubt.
24. The Commissioner is satisfied that the BBC has conducted targeted, logical searches, using appropriate search terms based on the age and subject matter of the information being requested. The Commissioner is satisfied that all of the searches the BBC has described would have been likely to identify any information relevant to the request and, even with the limitations in searching the archive. Since no information was identified from these searches, it's likely no information is held.
25. The BBC confirmed to the complainant that, as the government department that oversees the awarding of Honours, the Home Office might hold information relevant to their request.

Other matters

26. The Commissioner's guidance states that internal review outcomes should be provided within twenty working days, or forty in exceptional circumstances. The BBC exceeded this timeframe.

Right of appeal

27. 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

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

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

Annex

"My request concerns those occasions when the BBC or anyone acting on its behalf recommended the late Sir Jimmy Savile for an honour.

Please note that I am interested in all recommendations for honours irrespective of whether the honour was accepted and or refused by Sir Jimmy and irrespective of whether the recommendation was approved or rejected by those responsible for awarding honours.

In all answers can you identify the appropriate honour and the appropriate honours list.

Please note that the reference to Downing Street in the questions below should include any serving Prime Minister (as well as anyone able to correspond and or communicate on their behalf), Downing Street itself and or the relevant Honours committee(s) and or any civil servants involved in the process of dealing with and or processing Honours recommendations for Sir Jimmy.

Please note that the reference to Mr Cottom below should include Mr Cotton himself and or any individual able to correspond and communicate on his behalf when it came to the issue of Honors for Sir Jimmy.

Please note that the reference to correspondence and communication in the questions below should include all traditional forms of correspondence including letters, faxes, memos and telegrams, all emails irrespective or whether they are were (sic) sent and or received through private and public accounts, all telephone text messages, all Gmail messages and all messages sent through encrypted messaging services including but not limited to WhatsApp.

Please note that I am interested in receiving actual copies of correspondence and communication rather than just excerpts from that correspondence and communication. Copies of letters should include the letter head, all other design features and the signatures. Other written messages should be copied and disclosed as received. If the BBC feels the need to redact material from any correspondence and communication, can it redact the material where it appears. That way I will be able to judge the extent and location of any redaction.

1. Does the BBC hold a file or similar which contains details of honours recommendations for the late Sir Jimmy Savile. If the answer is yes, can you, please provide copies of all documents in that file which mention and or which in any way relate to the issue of Honours for Sir Jimmy.
2. Irrespective of whether the BBC holds a file of the kind described above did any Director General of the BBC (in office between 1964 and 2011) recommend Sir Jimmy for an honour. If the answer is yes, can you provide a copy of that recommendation. In the case of each instance where the Director General recommended Sir Jimmy for an honour can you provide all correspondence and communication from the Director General to Downing Street and all correspondence and communication from Downing Street to the Director General. I am interested in all correspondence and communication which mentions or in any way relates to the issue of honours for Sir Jimmy. This will include but will not be limited to correspondence and communication about Sir Jimmy's suitability for an honour.
3. Between 1964 and 1988 did Bill Cotton (the former Head of Light Entertainment, the former Controller of BBC1 and the forming Managing Director of British Television) recommend Sir Jimmy for an honour. If the answer is yes, can you provide a copy of that recommendation. In the case of each instance when Mr Cotton recommended Sir Jimmy for an honour can you provide all correspondence from the Mr Cotton to Downing Street and all correspondence and communication from Downing Street to Mr Cotton. I am interested in all correspondence and communication which mentions or in any way relates to the issue of honours for Sir Jimmy. This will include but will not be limited to correspondence and communication about Sir Jimmy's suitability for an honour."