

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 June 2024

Public Authority: The British Broadcasting Corporation (BBC)

Address: 2252 White City
201 Wood Lane
London
W12 7TS

Decision (including any steps ordered)

1. The Commissioner's decision is that, if held, the information about Pageview statistics and the BBC's news website that the complainant has requested is held by the BBC for the purposes of 'journalism, art or literature.' The information isn't therefore covered by FOIA, and the BBC doesn't need to take any corrective steps.

Request and response

2. The complainant made the following information request to the BBC on 16 May 2024:

"1. Pageview statistics for all articles published on the BBC news website Scotland Politics section from January 2024 to date. This should include:

- a. Views within 24 hours of publication
- b. Views within 7 days of publication
- c. Views to date

2. For each article identified in (1), the most highly-billed position they had on:

- a. The Scotland Politics news page
- b. The Scotland news page

c. The BBC news home page

3. An explanation for why most BBC news articles have no comment section and option to make a comment, whilst a small minority do still have comments' section.

4. An explanation of the methodology used by the BBC to determine which articles are featured on the home page and on other landing pages, and which get top billing."

3. The BBC responded and advised that, if held, the information was held for the purposes of 'journalism, art or literature' and wasn't covered by FOIA.

Reasons for decision

4. This decision notice concerns how FOIA applies to the BBC. More detail about this can be found in the Commissioner's [decision notice support materials](#) under 'FOIA Schedule one, Part VI.'
5. The complainant considers that materials the BBC "produced for the production of these articles" would be derogated, but not viewing statistics information.
6. The information requested in this case concerns Pageview statistics and the BBC's news website. The Commissioner has taken account of the complainant's view, but he's satisfied that there's a relationship between the requested information and the BBC's output.
7. Regarding parts 1 and 2 of the request, a relationship exists because how many views a BBC news article receives will influence the BBC's editorial decisions. These may include decisions about what articles it publishes and how, where and when articles are published on its website. It may also influence the BBC's decisions about what information is broadcast on its news programmes.
8. To the degree that parts 3 and 4 are for recorded information, the Commissioner is satisfied that these parts concern editorial decisions the BBC makes about its news website.
9. The Commissioner's decision is therefore that, if held, the BBC holds the requested information for the purposes of journalism, art or literature and wasn't obliged to comply with Parts I to V of FOIA in respect of the request.
10. Since the information, if held, is derogated, ie not covered by FOIA, the Commissioner has no jurisdiction in this matter and therefore no statutory power to order the BBC to disclose it.

11. The Commissioner notes that parts 3 and 4 of the request are for explanations. For the complainant's benefit, FOIA doesn't oblige a public authority to provide explanations, or to give opinions or to answer general queries. FOIA concerns only recorded information that a public authority holds only. However, as above, in this case the Commissioner has decided that, if held, any recorded information within scope of the entire request wouldn't be covered by FOIA.

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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: 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.

Cressida Woodall
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