



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Information Rights**

Tribunal Reference: EA/2014/0150
Appellant: Ms Amena Saleem
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. The Information Commissioner (ICO) has applied for this appeal to be struck out on the ground that it has no reasonable prospect of success.
2. In October 2013 a request was made under the Freedom of Information Act (FOIA) to the BBC. The BBC is covered by FOIA but only “in respect of information held for purposes other than those of journalism, art or literature”.
3. The background to the request was that during coverage of the 2012 Olympics BBC staff referred to Jerusalem as an Israeli city. Such an assertion is widely disputed. The position of the United Kingdom Government, for example, is that it does not recognise the annexation of east Jerusalem, which it considers to be occupied territory.
4. The complaints were considered and rejected by the Editorial Standards Committee of the BBC Trust. A standard form response was prepared and sent to the complainants.
5. The request for information was for all information relating to the formulation of the response. It asks for meeting minutes, meeting readouts, briefing notes, other meeting memoranda, letters, e-mails, e-mail attachments, notes taken during or after phone calls and text messages. It asked for a register of all pre-existing

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documents relied upon describing their title, date and purpose together with copies of the documents themselves.

6. The ICO submits that any such information is held by the BBC for the purposes of journalism and refers to the Supreme Court decision in Sugar v BBC.
7. In reply Ms Saleem submits that the ruling of the Editorial Standards Committee has nothing to do with journalism but falls under the definition of propaganda. She says it goes against all the accepted standards and principles of journalism.
8. In my judgment the arguments contained in the ICO response to the appeal are unanswerable. There is no case for saying that the work of the BBC Editorial Standards Committee has no connection with journalism. It is not for the ICO or the Tribunal to give a ruling on whether the BBC has been “impartial” or whether it has conveyed “propaganda”. For the reasons given in the ICO’s response, the appeal must fail because the information requested falls outside the scope of FOIA.
9. In these circumstances I would be doing no-one any favours by allowing the appeal to continue and it is right for me to strike it out now on the ground that it has no reasonable prospect of success.
10. I note that Ms Saleem does not appear to be the person making the original request for information in this case but no purpose would be served by pursuing that point now.

NJ Warren

Chamber President

Dated 14 July 2014