

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2016

Public Authority: British Broadcasting Corporation (BBC)

Address: Broadcast Centre
White City
Wood Lane
London
W12 7TP

Decision (including any steps ordered)

1. The complainant made a freedom of information request to the BBC for copies of the Monthly Performance Pack for the last three years and the 10 day report.
2. The Commissioner's decision is that the BBC has breached section 10(1) of FOIA by failing to provide a response within 20 working days. However, as a response has now been provided the Commissioner requires no steps to be taken.

Request and response

3. On 2 January 2016 the complainant made a freedom of information request to the BBC which read as follows:

"Please furnish me with a copy of the Monthly Performance Pack for the last 3 years and also the 10 day report."

4. The BBC responded on 29 January 2016 confirming that information was held but it considered the exemptions at section 31 and 43 of the FOIA applied and further time was required to consider the public interest test. The BBC then provided a full response on 5 July 2016, disclosing the requested information.

Scope of the case

5. On 25 July 2016 the complainant contacted the Commissioner to complain about the BBC's response.
6. The Commissioner has since clarified that all information within the scope of the request has now been provided to the complainant. However, the complainant asked the Commissioner to issue a decision notice highlighting the delay in receiving a response.
7. The Commissioner therefore considers the scope of this decision notice is to consider whether the BBC breached the statutory time for compliance in its handling of the request.

Reasons for decision

Section 10 – time for compliance

8. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
9. In this case the complainant made his request for information on 2 January 2016 and did not receive the requested information until 5 July 2016. Therefore the Commissioner has found that the BBC breached section 10(1) of FOIA in its handling of the 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Jill Hulley
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF