

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 09 October 2017

**Public Authority:** The British Broadcasting Corporation ('the BBC')

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

### Decision (including any steps)

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1. The complainant has requested information about a pay review and to date he has not received a response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days and has therefore breached section 10(1) of the FOIA. The public authority must now issue a response to the request under FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### Request and response

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3. On 7 July 2017, the complainant wrote to the public authority and requested information in the following terms:

*'1: Any documents held by the BBC related to the setting up of the review into pay in the World Service Group as announced by [redacted names A and B] on 21 November 2016.*

*2: Any documents provided to the BBC by PWC as part of the review into pay in the World Service Group.'*

4. On 10 July 2017 the public authority acknowledged the request to the complainant and allocated a reference number but did not issue a response. On 4 September 2017 the BBC sent the outcome of an internal review concerning timeliness.

### **Scope of the case**

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5. The complainant contacted the Information Commissioner on 11 September 2017 to complain that he had not received a response to his request.
6. The Commissioner wrote to the public authority on 18 September 2017 instructing it to issue a response to the complainant within 10 working days. To date no such response has been forthcoming.
7. The Commissioner has therefore considered whether the BBC has complied with the obligation under section 10(1) of the FOIA.

### **Reasons for decision**

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8. Section 1(1) of the FOIA states that an individual who requests information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant promptly and 'no later than the twentieth working day following the date of receipt.'
10. From the information provided to the Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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11. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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** .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**