

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 21 March 2018

**Public Authority:** British Broadcasting Corporation (BBC)

**Address:** BC2 B6 Broadcast Centre  
BBC White City  
201 Wood Lane  
London  
W12 7TP

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information from the BBC about the closure of Caversham Park. The BBC has not provided a response to the request.
2. The Commissioner's decision is that:
  - The BBC has breached section 10(1) of the FOIA as it has not complied with section 1(1) within 20 working days with respect to the complainant's request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - Respond to the complainant's request of 27 September 2017 by issuing a substantive response that meets the requirements of the FOIA.
4. 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 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

---

5. On 27 September 2017 the complainant wrote to the BBC through the 'WhatDoTheyKnow' website and requested information in the following terms:

*"Under the Freedom Of Information act, I would like to request that you provide me with the total expected costs and savings to the BBC as a whole (such that expenses being transferred from BBC Monitoring to another BBC department are not counted as savings), associated with the closure of Caversham Park.*

*If possible, provide totals for one-off and ongoing costs and savings separately. If not, please indicate the period over which the one-off costs are being amortized in your calculations.*

*Please also state which factors have been considered in coming up with these totals*

*By way of example, one-off costs include (but are not limited to):*

- \* Costs of moving or disposing of and replacing equipment (e.g. furniture, reception equipment)*
- \* Costs associated with site disposal (surveyors and legal etc.)*
- \* Excess fare payments and travel expenses for staff travelling into London*
- \* Costs associated with a predictable loss of current staff and recruitment into their roles.*
- \* Opportunity costs due to staff working on move-related activities instead of their normal work.*

*By way of example, ongoing costs include (but are not limited to)*

- \* London weighting for roles moving into London*
- \* Rent of new premises for Radio Berkshire*
- \* Subscriptions to extra internet-based 3rd party TV signal providers (where these can no longer be received from satellites)*
- \* Cost of space in NBH occupied by BBCM staff (share of maintenance of that space)*
- \* Cost of space occupied by those who have been moved in order to accommodate BBCM staff in NBH*
- \* Increased cost of collaboration with partner organisations currently based in Reading*

*By way of example, ongoing savings include (but are not limited to)*

- \* Caversham Park site maintenance*
- \* Subscriptions to satellite-based TV providers (for channels that cannot be received in London)*
- \* Reduction in travel budget for customer service staff.*

*This is not a request for a detailed breakdown of the costs and savings (but if that is available, it would be welcome), nor is it a request for accurate costings that will only be known for certain after the move. This is simply a request for the totals that were used when calculating that this is an "effective way to demonstrate efficiency and ensure that more money can be invested in content"*

6. On 28 September 2017 the BBC acknowledged the request – its reference RFI20171437.
7. On 31 October 2017 the complainant requested an internal review as he had not received a response to his request. The BBC acknowledged this the same day – its reference IR2017078.
8. The BBC provided a review on 22 December 2017 in which it acknowledged it had not provided a response to the complainant's request and had breached section 10(1) of FOIA. The BBC advised that it would provide a response to the request "shortly".
9. The complainant did not receive a response and, on 24 January 2018, asked the BBC to carry out an internal review of its internal review, to which he did not receive a response.
10. On 19 February 2018 the Commissioner wrote to the BBC and required it to provide a response to the complainant's request within 10 working days. On 9 March 2018, the complainant advised the Commissioner that the BBC had not done so.

### **Scope of the case**

---

11. The complainant contacted the Commissioner on 7 February 2018 to complain about the way his request for information had been handled.
12. The Commissioner's investigation has focussed on whether the BBC has met its obligation under section 10(1) of the FOIA.

## Reasons for decision

---

### **Section 10 – time for compliance**

13. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have it communicated to him or her if it is held.
14. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
15. The complainant submitted his request to the BBC on 27 September 2017. To date the BBC has not provided a response to the request and, as the BBC has recognised, it has breached section 10(1) of the FOIA in this regard.

## **Right of appeal**

---

16. 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)

17. 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.
18. 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**

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