

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 July 2021

Public Authority: British Broadcasting Corporation (BBC)
Address: BBC Broadcasting House
Portland Place
London
W1A 1AA

Decision (including any steps ordered)

1. The complainant requested details of the number of out of court settlement payments made by the British Broadcasting Corporation ("the BBC") to its employees and the value of those settlement payments by month, including details of the largest payments since 1 January 2018.
2. The Commissioner's decision is that the BBC failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the BBC to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The BBC 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 March 2021, the complainant wrote to the BBC and requested information in the following terms:

"Under the Freedom of Information Act 2000, please provide the following information:

- 1. A monthly breakdown of the number of out of court settlement payments made by the BBC to its employees.*
- 2. A monthly breakdown of the total value of those out of court settlement payments.*
- 3. A monthly breakdown of the value of the largest out of court settlement payment made in that month.*

Please provide all relevant information held by the BBC since 1st January 2018."

6. By the date of this notice, the BBC had failed to provide a substantive response to the request.

Scope of the case

7. The complainant contacted the Commissioner on 25 April 2021 to complain about the BBC's failure to respond to their request.
8. The Commissioner contacted the BBC on 24 May 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 24 May 2021 to explain that the BBC had been given 10 working days from 24 May 2021 within which to provide a response to their request.
10. On 2 June 2021, the BBC contacted the Commissioner and stated that it was processing the request. It requested an extension to respond to the request by 11 June 2021. The Commissioner confirmed this extension however on 11 June 2021 the BBC contacted the Commissioner again to say that it was not going to be able to meet the extended deadline.

11. On 10 June 2021 the complainant contacted the Commissioner and explicitly requested that a decision notice be issued which highlights the breach of the statutory timeframe under the FOIA.
12. Therefore, the scope of this notice and the following analysis is to consider whether BBC has complied with section 10 of the FOIA.

Reasons for decision

13. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

14. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
15. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the BBC has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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

Sarah Clouston
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Wycliffe House
Water Lane
Wilmslow
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