

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 September 2022

**Public Authority:** British Broadcasting Corporation (BBC)  
**Address:** 2252 White City  
201 Wood Lane  
London  
W12 7T

### Decision (including any steps ordered)

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1. The complainant made a request for information relating to payments or gifts provided by the BBC to the Hollywood Foreign Press Association (HFPA) and any correspondence between the BBC and HFPA. The BBC has confirmed that it does not hold any information falling within the scope of the request under section 1(1)(a) FOIA.
2. The Commissioner considers that on the balance of probabilities the BBC does not hold any information falling within the scope of the request under section 1(1)(a) FOIA.
3. The Commissioner requires no steps to be taken.

### Request and response

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4. The complainant made the following information request to the BBC on 14 December 2021:

"I would like to request the following information under the Freedom of Information Act.

I understand that my request will take 20 working days to process but I would be grateful if you could acknowledge receipt via [email address]

I would prefer the BBC to include the names of specific BBC films and BBC TV programmes in its response, as I do not believe the derogation should apply to the BBC's relationship with an awards body. BUT please

still respond even if you feel the need to redact the names of any specific BBC films and BBC TV programmes (including BBC co-productions) from your response. If you are minded applying the derogation, please also exclude specific dates from your response which might identify individual BBC programmes and BBC films.

In all respects, please include information relating to individuals who were members of the HFPA at the time even if they are no longer members now.

Please note that the reference to written correspondence and communications in the questions below should include all traditional forms of correspondence and communication including letters, memos and faxes and or all emails (irrespective of whether they were sent and or received through official or private accounts) and or all Gmail messages and or all text messages and or all messages sent through encrypted messaging services (including but not limited to WhatsApp).

1. Does the BBC hold information which details payments and or gifts (including hospitality) provided by the BBC to either the Hollywood Foreign Press Association (HFPA) as an organisation and or individual members of the HFPA. Perhaps the BBC holds a complete list of all relevant payments and gifts including hospitality. Alternatively, perhaps it holds information relating to some individual gifts and payments including hospitality.
2. If the answer is yes can you please provide details of any and or all payments and or gifts (including hospitality) provided to the HFPA and or any of its individual members since 1 November 2015. In the case of each payment and or gift (including hospitality) for which information is held can you provide any relevant dates if you feel able to provide the dates. In the case of each payment and or gift (including hospitality) for which information is held can you identify the relevant member of the HFPA. In the case of each payment and or gift (including hospitality) for which information is held can you provide a description of the specific payment (s) and specific gift (s). In the case of all payments and or gifts (including hospitality) for which information is held can you please provide details of their cost and value.
3. Irrespective of whether the BBC has ever made payments or gifts (including hospitality) to the HFPA and or any of its members has the BBC ever written to and or communicated with the HFPA to express concerns about the behaviour of the HFPA and or the behaviour of individual members of the HFPA. These complaints will include but not be limited to the issue of payments and or gifts and or hospitality. These complaints will also include but not limited to concerns about the organisation's annual Golden Globes ceremony and or the nominations process and or the fairness of those nominations/awards

and or the makeup of the organisation and or the diversity of the organisation. These complaints will include but not be limited to concerns about favouritism shown to other broadcasters and studios and towards their films and programmes. Please include details of ALL concerns irrespective of the nature of the concern. If the answer to this question is yes, can you, please provide copies of any and or all of these concerns. Please do not redact the names of any non-BBC films and non-BBC programmes from the reply. Can you also provide copies of the HFPA's response to the BBC's concerns?

4. Irrespective of whether the BBC ever provided payments and gifts (including hospitality) to the HFPA and or its members is the BBC aware of approaches from any individual members of the HPA for payments and or gifts (including hospitality). If so and if information is held can you identify the relevant member. In the case of each request for which information is held can you provide a copy of any relevant correspondence and communications from the member."
5. On 17 January 2022 the BBC responded to the request. It confirmed that it did not hold any information regarding payments under section 1(1)(a) FOIA.
6. On 18 January 2022 the complainant requested an internal review as the BBC's response only referred to payments and did not address his request regarding gifts, hospitality or wider correspondence.
7. On 25 January 2022 the BBC provided the result of the internal review. It acknowledged that its response could have been clearer in explaining that it did not hold any of the requested information rather than focussing on whether it held information about payments made to HFPA. It confirmed that it reviewed the decision-making process employed by the original decision-maker who liaised with BBC Finance. It explained that BBC Finance is responsible for maintaining central records of payments made to third parties, gifts and hospitality registers. Within the review the BBC again liaised with BBC Finance which confirmed that the searches of the centralised records held by that division did not produce information relevant to the request.
8. The BBC went on that within the review it also liaised with the BBC's Press Office as this area of the BBC fields enquiries from a range of external parties that could include associations like the HFPA. A representative from that team conducted relevant searches of their records and confirmed they also held no information relevant to this request. In addition BBC liaised with senior representatives from BBC Films and BBC Content who also confirmed that their searches determined that the requested information is not held by the BBC.

9. The BBC confirmed therefore that no information was held in relation to all aspects of the request.

## **Reasons for decision**

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10. Section 1(1) FOIA provides 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."

11. The complainant has asked the Commissioner to investigate whether the BBC holds information falling within the scope of the request. The complainant does not accept that the BBC does not hold any information as he has argued the BBC actively pursues recognition by the HFPA for its television programmes and or talent and or films and therefore it is highly likely it holds some information. Furthermore he considers that the BBC's original response did not address all aspects of the request. Finally he has argued that there are strong public interest grounds for disclosure.
12. In this case the Commissioner accepts that the BBC's original response appears to be limited to 'payments' and therefore does not address all aspects of the request. However at internal review the BBC accepted that the wording of its response was not clear and clarified that it does not hold any information within the scope of all aspects of the request. It has explained which departments would hold the requested information if it were held and that searches have been conducted by the relevant departments. The Appellant has not provided any evidence that information is held by the BBC other than he considers it is highly likely. As relevant searches have been conducted and information has not been located as a result, the Commissioner can only conclude that on the balance of probabilities the BBC does not hold any information falling within the scope of the request.
13. The complainant has presented public interest arguments in favour of disclosure of the requested information, however as no information has been located falling within the scope of the request public interest arguments are not relevant in this case.
14. The Commissioner has therefore concluded that the BBC complied with its obligations under section 1(1)(a) FOIA in this case.

## Right of appeal

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15. 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@Justice.gov.uk](mailto:grc@Justice.gov.uk)

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

16. 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.
17. 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.....**

**Gemma Garvey**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**