

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

### **Decision notice**

**Date:** 7 March 2024

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

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

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1. The complainant has requested information about CCTV cameras. The British Broadcasting Corporation ('the BBC') relied on section 38 of FOIA (health and safety) and section 31 of FOIA (law enforcement) to withhold the requested information. As a result of this investigation the BBC has disclosed some of the requested information through this notice.
2. The Commissioner's decision is that the BBC is entitled to rely on section 31(1)(a) to withhold the remainder of the requested information. The Commissioner has also found, however, that by disclosing some of the requested information only at investigation stage, the BBC has breached sections 10(1) and section 1(1)(b) of FOIA.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 5 August 2023, the complainant wrote to the BBC and requested information in the following terms:  
  
"Please provide the number of CCTV cameras installed on BBC property, broken down by the manufacturing company of the CCTV cameras. I am no longer asking for any details of locations of the cameras."

5. The BBC responded on 4 September 2023. It stated that it was relying on section 38 to refuse the request as disclosure would likely prejudice the health and safety of its employees.
6. Following an internal review, the BBC wrote to the complainant on 1 November 2023. It stated that it was upholding its application of section 38 of FOIA and advised that it was also applying section 31 of FOIA (law enforcement).

## Scope of the case

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7. The complainant contacted the Commissioner on 1 November 2023 to complain about the way their request for information had been handled.
8. As part of its submission to the Commissioner, the BBC provided the following information in scope of the request:

“If it assists the requester, we are able to confirm that there are 1,301 CCTV cameras installed on BBC property in the United Kingdom, and this is comprised of 12 different manufacturers where recorded (some are unbranded).”
9. The Commissioner considers that the scope of his investigation is to determine whether the BBC is entitled to rely on any of the cited exemptions to withhold the remainder of the information originally requested, that is, the manufacturer details of the CCTV cameras. He'll also consider procedural aspects of the BBC's handling of the request.

## Reasons for decision

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### Section 31- Law enforcement

10. Section 31 of FOIA allows a public authority to withhold information which, if disclosed, could harm its own, or another public authority's, ability to enforce the law.
11. In this case, the BBC is relying on subsection (1)(a) to refuse disclosure of the CCTV manufacturers. This applies where disclosure would, or would be likely to, prejudice:
  - (a) the prevention or detection of crime
12. Section 31 is a prejudice-based exemption. This means a public authority can only rely on it where disclosing the information (or

confirming or denying that it holds the information) could cause harm. To demonstrate the harm, it must satisfy a prejudice test.

13. In order for the exemption to apply, it must be the case that if the withheld information was disclosed, it would, or would be likely to, cause prejudice (harm) to the matters referred to in subsection (a). Three criteria must be met:
  - the prejudice which the BBC envisages as a result of disclosure, must relate to the prevention or detection of crime and the apprehension or prosecution of offenders;
  - there must be a causal relationship between disclosure and prejudice to those matters. This prejudice must be real, actual or of substance; and
  - the BBC must show that the level of prejudice it envisages is met – that is, it must demonstrate why disclosure 'would be likely' to result in prejudice or, alternatively, why disclosure 'would' result in prejudice.
14. In this case, the BBC has stated that disclosing manufacturer details of CCTV cameras may lead to the security of BBC premises and staff being compromised.
15. Consideration of the exemption at section 31 is a two-stage process: even if the exemption is engaged, the information should be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **The BBC's position**

16. The BBC stated that as it is a large and high-profile organisation, it unfortunately can, and has been, the subject of threats from third parties. It explained that disclosing the name of the manufacturers of CCTV cameras across the BBC estate increases the risk of an attempted targeted cyber-attack of those named manufacturers, which in its view would be likely to endanger the safety of BBC staff.
17. The BBC is concerned that disclosing camera manufacturer details would enable possible cybercriminals to research known vulnerabilities of particular manufacturers of hardware and exploit those. The BBC pointed the Commissioner to an example (not specific to the BBC), where in 2017 hackers were able to successfully guess the default admin username and password associated with a particular brand of camera allowing them to hack that brand of camera, locking out users. The BBC stated that the risk is therefore real, actual and of substance

and the fact that manufacturers have been exploited by cybercriminals in the past demonstrates a causal link.

### **The complainant's position**

18. The complainant has stated that they had made the same request to other public authorities, many disclosed the information in full or relied on a different exemption.
19. The Commissioner acknowledges that other public authorities will have considered their own decisions to provide the requested information and these positions will vary by organisation. He also acknowledges that cybersecurity is an important issue for public authorities to consider.

### **Likelihood of prejudice**

20. The BBC is relying upon the lower threshold of prejudice 'would be likely to'. It has stated that there is evidence, both from reported news stories and from the Director of the BBC's Security, Safety and Resilience Team, that the likelihood of the BBC facing some kind of cyber-attack (or attempt) of these third-party manufacturers would be increased by providing the names of CCTV camera manufacturers used across the BBC estate.
21. The Commissioner accepts that the exemption is engaged at the lower threshold of prejudice. However, there may be a public interest in disclosing this information that outweighs the public interest in non-disclosure which he will now go on to consider.

### **Public interest test**

#### **Considerations favouring disclosure**

22. The BBC has recognised that it is in the public interest to promote accountability and transparency. It has stated it is also in the public interest to provide reassurance that the BBC takes active measures to protect its staff.

#### **Considerations favouring withholding the information**

23. The BBC has explained that there is a strong public interest in preventing crime. There are many steps that the BBC takes to ensure that its CCTV systems are secure against potential cyber threats – protection of its network is a priority, and the BBC is concerned that disclosure could be a significant step towards compromising that security.

24. Through its submission, the BBC has voluntarily disclosed the total number of CCTV cameras and the total number of manufacturers (where known) of these cameras. It has explained that it considers there is therefore limited further benefit to disclosing the names of the manufacturers.

### **Balancing the public interest test**

25. The Commissioner recognises the public interest in promoting accountability and transparency, he also recognises the importance of the BBC being able to carry out its duties without risk to the security of its premises, staff and site visitors.
26. The Commissioner notes that the BBC has now provided as much of the requested information as it feels appropriate without impacting on security.
27. On balance, the Commissioner is satisfied that, in the circumstances of this case, the public interest in maintaining the exemption outweighs that in disclosing the remainder of the requested information. Who manufactures the BBC's CCTV cameras has minimal wider public interest but there is significant public interest in ensuring BBC staff, visitors and premises are secure.
28. The Commissioner's decision, therefore, is that the BBC is entitled to withhold the names of the camera manufacturers under section 31(1) of FOIA.
29. Because the exemption under section 31(1) is engaged, and the public interest lies in maintaining the exemption, it's not necessary to consider the BBC's application of section 38 of FOIA.

### **Procedural Matters**

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30. Under section 1(1) of FOIA a public authority must (a) confirm whether it holds information that's been requested and (b) communicate the information to the applicant if it's held and isn't exempt information.
31. Under section 10(1) a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request. 23.
32. In this case, although the Commissioner welcomes the BBC's decision to disclose some of the requested information at investigation stage, he notes that the BBC breached sections 10(1) and section 1(1)(b) by not disclosing it at the time it provided its response to the complainant.

## **Right of appeal**

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33. 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](mailto:grc@justice.gov.uk)

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

34. 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.
35. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Keeley Christine**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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**SK9 5AF**