

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 September 2018

Public Authority: British Broadcasting Corporation (BBC)

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

Decision (including any steps ordered)

1. The complainant has requested information from the BBC about people who have been paid more than £150,000. At the date of this notice, the BBC has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - The BBC has breached section 10(1) of the FOIA as it has not complied with section 1(1) within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 11 June 2018.
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 11 June 2018, the complainant wrote to the BBC and requested information in the following terms:

"The BBC has previously confirmed to me under FOI that 66 of the 96 people who were paid more than £150,000 of licence fee revenue in the financial year 2016/17 were paid through personal service companies, rather than through payroll. The BBC has also confirmed to me through FOI (RFI20180173) the total amounts paid to these 66 people through personal service companies in 2013/14, 2014/15, 2015/16 and 2016/17.

- 1. Has the BBC ever signed a tax indemnification agreement with any of the 66 people who were paid more than £150,000 of licence fee revenue in the financial year 2016/17?*

Please simply confirm if this is the case and do not disclose the identities of anyone involved.

- 2. If the answer to question 1 is yes, please disclose the number of the 66 people referred to above with whom the BBC has signed a tax indemnification agreement.*

Please simply provide the number without disclosing the identities of anyone involved.

- 3. If the answer to question 1 is yes, please provide a copy of each of the tax indemnification agreements signed with any of the 66 people referred to above.*

Please redact any details in the agreements which could identify any individuals so they can be disclosed."

6. The BBC acknowledged the request on 12 June 2018 – its reference RFI20181112. The complainant did not go on to receive a response and contacted the Commissioner.
7. The Commissioner wrote to the BBC on 13 August 2018 and asked it to provide a response to the request within 10 working days. On 31 August 2018 the complainant advised the Commissioner that he still had not received a response.

Scope of the case

8. The complainant contacted the Commissioner on 6 August 2018 to complain about the way his request for information had been handled.
9. The Commissioner's investigation has focussed on the BBC's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

10. Section 1(1) of the FOIA says that 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.
11. Section 10(1) says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt of the request.
12. The complainant submitted his request to the BBC on 11 June 2018 and to date has not received a response. The BBC has therefore breached section 10(1) with regards to this request.

Right of appeal

13. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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
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