

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 October 2023

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

Decision (including any steps ordered)

1. The complainant requested information from British Broadcasting Corporation (the public authority).
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 24 February 2023, the complainant made the following request for information:

" This request relates to a broadcast on BBC Radio 2 on Saturday 18 October 2008, in which Russell Brand and Jonathan Ross make prank calls to the late actor Andrew Sachs, a scandal that became known by the name "Sachsgate" in the press, and the resulting fallout from this scandal.

Please can you provide to me:

1. All minutes or notes taken at any meetings involving any of Lesley Douglas, the former controller of Radio 2; head of programmes [REDACTED]; [REDACTED]; [REDACTED], who was

head of compliance for Radio 2; Tim Davie and Mark Thompson about the Russell Brand and Jonathan Ross prerecorded broadcast in which they contacted Andrew Sachs, and the ensuing scandal.

2. The report written by Tim Davie into the "Sachsgate" scandal about this broadcast, which was reportedly delivered to the BBC Trust in late 2008.

3. All internal memos about the incident.

4. The press log detailing responses to journalists' requests for information about the Sachsgate scandal.

5. The minutes from any meetings of the BBC Trust in which the Sachsgate scandal was discussed."

4. The public authority responded to the request for information on 22 September 2023.

Reasons for decision

5. Section 1(1) of 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."

6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

7. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

8. 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

9. 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.
10. 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

Roger Cawthorne
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