

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 August 2021

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

Decision (including any steps ordered)

1. The complainant requested information about the BBC Director General's professional schedule and meetings during a specified period of time. Despite the intervention of the Commissioner, the British Broadcasting Corporation (the BBC) has not provided a response to the request in accordance with the FOIA.
2. The Commissioner's decision is that the BBC has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The BBC must provide the complainant with a response to the request in accordance with its obligations under the FOIA.
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 18 January 2021, the complainant wrote to the BBC and requested information in the following terms:

"Please can you disclose director general [name redacted] diary from September 1 to December 31. By diary, I mean a clear itinerary of his professional schedule and meetings for the four months covered by my request."

6. The BBC acknowledged receipt of the request on 18 January 2021 and provided the complainant with a reference number for his request.
7. To date, the complainant has not received a response to his request for information.

Scope of the case

8. The complainant contacted the Commissioner on 1 June 2021 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the BBC dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

10. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject to the application of any exemptions that are appropriate.
11. Section 10(1) states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.
12. The request was made on 18 January 2021 and a response should have been provided no later than 15 February 2021.
13. On 28 June 2021, the Commissioner wrote to the BBC advising it to provide the complainant with a response to the request that complies with the FOIA within 10 working days. She provided the BBC with links to her guidance on the timescales for responding to a request for information and on refusing a request.
14. On 27 July 2021, the complainant confirmed to the Commissioner that he has still not received a response to the request.

15. To date, the BBC has not provided a response to the complainant. It is clear to the Commissioner that, in this case, the BBC has failed to respond to the request in accordance with the legislation. The Commissioner therefore finds that the BBC breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

Right of appeal

16. 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

17. 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.
18. 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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SK9 5AF