

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 November 2013

Public Authority: The British Broadcasting Corporation (BBC)

Address: 2252 White City
201 Wood Lane
London
W12 7TS

Decision (including any steps ordered)

1. The complainant requested the BBC to disclose copies of the Office of Surveillance Commissioners' (OSC) reports produced since 1 January 2006. The BBC released redacted versions of the reports in question but failed to respond to the request within 20 working days.
2. The Commissioner therefore finds that the BBC was in breach of section 10(1) of the FOIA in this case. As the BBC did respond to this request albeit late, he requires no further action to be taken.

Request and response

3. On 25 August 2013, the complainant wrote to the BBC and requested information in the following terms:

"The BBC was previously the subject of an Office of Surveillance Commissioners' (OSC) report dated 13th October 2010. This report was previously disclosed in the BBC's response to a Freedom of Information Act request, RFI20110611.

Under the terms of the Act please provide the following:

1. A copy of all information contained within OSC reports on the BBC produced since 1st January 2006 (excluding the previously disclosed report of 13th October 2010).

I am aware that the BBC was inspected by the OSC on 30th October

2008. Based on the previous pattern of inspection/reporting, I would expect the BBC to hold OSC report information from 2006, 2008, 2010 (already disclosed) and 2012.

4. As the BBC failed to respond, the complainant contacted the Commissioner on 25 September 2013.
5. The BBC finally responded on 3 October 2013. It disclosed 3 reports to the complainant, redacting certain information from these reports under sections 31, 40 and 42 of the FOIA.

Scope of the case

6. The complainant has advised the Commissioner that he is not satisfied with the time in which the BBC took to respond to his request and has asked for a decision notice to record a breach of this. He has made no complaint about the BBC's decision to redact certain elements of the reports in question under the exemptions specified above.
7. The Commissioner therefore considers that the scope of the case is to determine whether the BBC breached section 10 of the FOIA.

Reasons for decision

8. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
9. The complainant made his information request on the 25 August 2013. The BBC did not provide the complainant with a response until 3 October 2013; 6 working days after the statutory date for compliance. Therefore the Commissioner finds that the BBC breached section 10(1) of the FOIA in this case.

Right of appeal

10. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF