

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 June 2018

**Public Authority:** British Broadcasting Corporation ('the BBC')

**Address:** Room BC2 A4 Broadcast Centre  
White City  
201 Wood Lane  
London  
W12 7TP

### Decision (including any steps ordered)

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1. The complainant has requested information relating to an investigation of a Whatsapp group. The BBC failed to respond to this request for information and the Commissioner's decision is that in doing so the BBC breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. 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 FOIA and may be dealt with as a contempt of court.

### Request and response

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3. On 3 March 2018, the complainant wrote to the BBC and requested information in the following terms:

*'I would like documents and correspondence concerning the investigation an investigation of a Whatsapp group of which several BBC Asian Network staffers were involved with in 2017. They are reported to have made homophobic, sexist and racist comments about Muslims, specifically Pakistani's.*

*I am happy for personal details such as names and other identifiers to be removed from the documents and Whatsapp transcripts but I'd like the content of the Whatsapp group to be released as there is a public interest in knowing the basis for the internal BBC investigation.'*

4. The BBC acknowledged the request on 5 March 2018.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 27 April 2018 to complain about the failure of the BBC to respond to this request.
6. In line with her usual practice, the Commissioner contacted the BBC on 11 May 2018 to highlight the outstanding response. She requested that the BBC respond to the request within 10 working days. On 25 May 2018 the BBC informed the complainant and the Commissioner that it expected to respond by the following week. On 11 June 2018 the complainant confirmed that he had not received a response.
7. The Commissioner considers that the scope of her investigation is to determine whether the BBC has complied with Section 10 of the FOIA.

### **Reasons for decision**

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8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case the BBC has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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11. 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](mailto:GRC@hmcts.gsi.gov.uk)

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

12. 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.
13. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**