

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 19 April 2024

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

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-284245-R7C3, for a decision whether a request for information made by the complainant to the BBC on 31 October 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 31 October 2023, the complainant wrote to the BBC and requested:

“1 – All email messages from the account of Lesley Douglas between 1st November 2001 and 1st January 2009. Please include messages from all INBOX, SENT ITEMS, DELETED ITEMS, DRAFTS, as well as any other custom folders that exist.

2 – All email messages from the account of John Sugar between 1st November 2001 and 1st January 2006. Please include messages from all INBOX, SENT ITEMS, DELETED ITEMS, DRAFTS, as well as any other custom folders that exist.

3 – All email messages from the account of Ric Blaxill between 1st January 2005 and 1st January 2009. Please include messages from all INBOX, SENT ITEMS, DELETED ITEMS, DRAFTS, as well as any other custom folders that exist. The ICO exists to empower you through information. ico.org.uk

4 – All email messages from the account of Bob Shennan between 1st January 2004 to 1st January 2011. Please include messages from all INBOX, SENT ITEMS, DELETED ITEMS, DRAFTS, as well as any other custom folders that exist.”

3. The BBC responded on 24 November 2023. It confirmed that, in line with its retention period, the inboxes of the three of the individuals named in the request had been deleted. It refused to provide the remaining inbox, citing section 12 (cost of compliance exceeds appropriate limit).

4. The complainant requested an internal review on 25 November 2023; they asked the BBC to confirm which inbox it held and which had been deleted.

5. The BBC provided the outcome to its internal review on 23 January 2024. It confirmed it only held information relating to Bob Shennan and it upheld its position to not provide this information under section 12.

6. The Commissioner wrote to the BBC on 4 April 2024, asking specific questions as to why information wasn't held, or couldn't be provided within the cost limit. He asked that these questions be answered within ten working days, that is by 18 April 2024.

7. The BBC wrote to the Commissioner on 16 April 2024 and asked if it could have an extension until 2 May 2024.

8. To date, the information the Commissioner requested hasn't been provided.

Information required

9. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the BBC shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - Answers to the questions in his letter of 4 April 2024.

Failure to comply

10. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

11. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF