



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Dan James

By email: 

4 February 2013

Dear Mr James,

Freedom of Information request – RFI20130047

Thank you for your request to the BBC of 9 January 2013, seeking the following information under the Freedom of Information Act 2000:

“Wish to make a request for information under the Freedom of Information Act 2000. For the programme “The Voice” (<http://www.bbc.co.uk/programmes/p00k96j4/features/about>) which was broadcast on BBC1 in 2012, please could you provide the following information:

The number of telephone votes (both from landline and mobile) received by each artist for each of the live shows. Please could you break this down in following format if possible:

Date of live show: dd/mm/yy

<i>Name of artist</i>	<i>Number of votes received</i>
<i>Artist 1</i>	<i>x</i>
<i>Artist 2</i>	<i>y</i>
<i>Artist 3</i>	<i>z</i>
<i>etc.</i>	<i>etc.”</i>

Information about voting figures on The Voice UK is not covered by the Freedom of Information Act 2000 (“the Act”). As explained on the Voting Figures section of *The Voice UK* website. (<http://www.bbc.co.uk/programmes/p00k96j4/features/mobile-short-dial-codes-faqs>) this is not

the type of information we would provide voluntarily, outside the scope of the Act, as releasing voting figures could affect the way that people vote, and also have an impact on the participants.

This type of information you have requested is excluded from the Act because it is held for the purposes of 'journalism, art or literature.' Part VI of Schedule 1 to FOIA provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for 'purposes *other* than those of journalism, art or literature'. The BBC is not required to supply information held for the purposes of creating the BBC's output or information that supports and is closely associated with these creative activities.¹

Appeal Rights

The BBC does not offer an internal review when the information requested is not covered by the Act. If you disagree with our decision you can appeal to the Information Commissioner. Contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF telephone 01625 545 700. <http://www.ico.gov.uk>

The BBC has received decisions from the Information Commissioner in relation to a number of similar requests concerning voting figures. The Commissioner agreed with the BBC that voting figures are held for the purposes of journalism, art or literature and therefore that the BBC is not obliged to provide this information under the Act.

Yours sincerely,

Claire Dresser
Chief Adviser, BBC Vision

I For more information about how the Act applies to the BBC please see the enclosure which follows this letter. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

Freedom of Information

From January 2005 the Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Act also sets out exemptions from that right and places a number of obligations on public authorities. The term “public authority” is defined in the Act; it includes all public bodies and government departments in the UK. The BBC, Channel 4, S4C and MG Alba are the only broadcasting organisations covered by the Act.

Application to the BBC

The BBC has a long tradition of making information available and accessible. It seeks to be open and accountable and already provides the public with a great deal of information about its activities. BBC Audience Services operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website bbc.co.uk provides an extensive online information resource.

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The Act does not apply to the BBC in the way it does to most public authorities in one significant respect. It recognises the different position of the BBC (as well as Channel 4 and S4C) by saying that it covers information “held for purposes other than those of journalism, art or literature”. This means the Act does not apply to information held for the purposes of creating the BBC’s output (TV, radio, online etc), or information that supports and is closely associated with these creative activities.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact BBC Audience Services.

The Act does apply to all of the other information we hold about the management and running of the BBC.

The BBC

The BBC’s aim is to enrich people’s lives with great programmes and services that inform, educate and entertain. It broadcasts radio and television programmes on analogue and digital services in the UK. It delivers interactive services across the web, television and mobile devices. The BBC’s online service is one of Europe’s most widely visited content sites. Around the world, international multimedia broadcaster BBC World Service delivers a wide range of language and regional services on radio, TV, online and via wireless handheld devices, together with BBC World News, the commercially-funded international news and information television channel.

The BBC’s remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the BBC Trust (the sovereign body within the BBC) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC’s independence and ensure the Corporation is accountable to its audiences and to Parliament.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.