



Information Policy & Compliance

bbc.co.uk/foi bbc.co.uk/privacy

Mr S Ahmed
By email: syed@energyforlondon.org

12 September 2013

Dear Mr Ahmed

Freedom of Information request – RFI20131199

I am writing in response to your request for information under the Freedom of Information Act 2000, which was received by the BBC on 17 August 2013:

1. The BBC Trust's '[Review of impartiality and accuracy of the BBC's coverage of science](#)' 2011 report makes reference to a BBC Climate Change Advisory Group [p36].

The BBC Trust's '[Meetings & Committees](#)' page doesn't unfortunately provide any information on this Group - and I can find no further details elsewhere - certainly not on the bbc.co.uk website.

I'd be grateful if you could let me know:

- a. When was the BBC Climate Change Advisory Group established?*
- b. How often does the BBC Climate Change Advisory Group meet?*
- c. Are the minutes for the BBC Climate Change Advisory Group meetings posted online anywhere? If not - could they be?*
- d. Could I be provided with minutes and associated papers from all previous BBC Climate Change Advisory Group meetings?*
- e. Who sits on the BBC Climate Change Advisory Group?*
- f. Will the group be examining the recent Sunday Politics show (14 July 2013) interview with Secretary of State for Climate Change, Ed Davey, and the subsequent correspondence and critique of the interview that has been generated? The links related to this follow below:*

<http://www.guardian.co.uk/environment/climate-consensus-97-per-cent/2013/jul/23/climate-change-andrew-neil-bbc-errors-take2>

<http://www.bbc.co.uk/news/uk-politics-23405202>

<http://www.guardian.co.uk/environment/climate-consensus-97-per-cent/2013/jul/17/climate-change-scepticism-andrew-neil-ed-davey>

2. The '[BBC Trust Review of impartiality and accuracy of the BBC's coverage of science: follow up](#)' from November 2012 goes on to say that a BBC Science Forum has been created. **Similar to the above, I'd be grateful if you let me know:**

a. How often does this group meet?

b. Are the minute's for the forum's meeting posted online anywhere? If not, could they be?

c. Who sits on the forum?

d. Will the forum be looking at the recent Sunday Politics show and the subsequent correspondence that has been generated?

3. Finally, will the BBC Trust's Editorial Standards Committee be studying the Politics Show interview of Ed Davey to see if had breached BBC guidelines on impartiality and accuracy. I'd grateful if you could also let me know what determines whether or not the Committee reviews a particular BBC show.

In response, I should begin by explaining that for the purposes of the Freedom of Information Act, the BBC is what is known as a 'hybrid' authority – this means that the BBC is only subject to FOIA in respect of certain of the information it holds, not all of it. This is sometimes described as the limited application of FOIA to the BBC and other public service broadcasters.

The Information Commissioner describes this situation as follows:

Schedule One, Part VI of the FOIA provides that the BBC is a public authority for the purposes of the FOIA but only has to deal with requests for information in some circumstances. The entry relating to the BBC states:

"The British Broadcasting Corporation, in respect of information held for purposes other than those of journalism, art or literature."

This means that the BBC has no obligation to comply with part I to V of the FOIA where information is held for 'purposes of journalism, art or literature'. The Commissioner calls this situation 'the derogation'.

In essence then, Parts I to V of FOIA set out the legal duties and obligations of public authorities under FOIA. However, when a request is made to the BBC for information which would be held for a 'journalistic' purpose, these parts of FOIA do not apply. The 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'¹. The BBC

¹ For more information about how the Act applies to the BBC please see the enclosure at the end of this letter. Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.

is not required by the Act 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.

This limited application of FOIA to public service broadcasters was to protect freedom of expression and the rights of the media under Article 10 European Convention on Human Rights ("ECHR"). The BBC, as a media organisation, is under a duty to impart information and ideas on all matters of public interest and the importance of this function has been recognised by the European Court of Human Rights. Maintaining our editorial independence is a crucial factor in enabling the media to fulfil this function.

In the present case, groups such as the Climate Change Steering Group and the BBC Science Forum form part of the editorial process by which we inform, review and improve our journalistic content and output. The information you have asked for is therefore related to the creation of our output, and so is excluded from the Act. Similarly, the BBC Trust's Editorial Standards Committee (ESC) makes rulings on editorial complaints and this activity is therefore also directed to the maintenance and enhancement of the standards and quality of the BBC's journalism.²

While it remains the case that information about the work of the ESC and the editorial complaints process is excluded from the Act, we are happy to volunteer the following explanation outside the Act on this occasion. I hope you will find this useful.

The BBC Trust seeks to ensure that the BBC lives up to the standards as set out in the BBC's Editorial Guidelines³ and is the final point of appeal for complaints within the BBC. Programmes which are the subject of a complaint brought to the Trust on appeal are provided to the Trustees who sit on the Editorial Standards Committee (ESC) when they consider the appeal. ESC Trustees are also provided with programmes where a complainant wants the appeal to go to the ESC and the Trustees are being asked to decide if the ESC should consider it.

I should explain that the complaints framework states that all complaints to the BBC must first be dealt with by BBC Management and the Trust is the third and final stage of the appeals procedure. Further details about the editorial complaints procedure and complaints which the Trust may not consider are available here. The Trust has not received any complaints on appeal about the interview with the Secretary of State for Energy and Climate Change on Sunday Politics to date and ESC Trustees have not been provided with it. It is of course possible that complaints are still being dealt with at Stages 1 and 2 and that they have not been escalated to the Trust yet.⁴

Programmes where the BBC Executive has reported a breach of editorial guidelines are also provided to

² The following links to published Information Commissioner decisions concerning editorial complaints information and information about impartiality monitoring in one area of the BBC provide further explanation which you may find useful:

http://www.ico.org.uk/~media/documents/decisionnotices/2013/fs_50465338.ashx

http://www.ico.org.uk/~media/documents/decisionnotices/2013/fs_50486137.ashx

³ http://www.bbc.co.uk/bbctrust/our_work/editorial_standards/

⁴ Please note that, as above, information about editorial complaints at stage 1, 2 and 3 falls outside the scope of the Act.

ESC Trustees. ESC Trustees are also occasionally provided with clips or programmes which have attracted comment in the media or the BBC complaints log or have been the subject of investigation by another regulator. Programmes are not otherwise reviewed by Trustees.

Yours sincerely

Lou Lander
BBC Information Policy and Compliance

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>

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 and S4C are the only broadcasters 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 Information 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 Information.

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 Europe's most widely visited content site. Across the world, the BBC broadcasts radio programmes in 32 languages on the BBC World Service and the 24 hour television service, BBC World News.

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.