



Information Policy & Compliance

bbc.co.uk/foi

Mr Steve Toomer

Via email: request-14600-6cb80577@whatdotheyknow.com

6th August 2009

Dear Mr Toomer,

Request for Information – RFI20091037

Thank you for your request of 11th July 2009 under the Freedom of Information Act 2000 seeking the following information. I have numbered each question and addressed them below.

I would firstly like to explain that "TV Licensing" is a trade mark of the BBC and is used under licence by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of administration is contracted to Capita Business Services Ltd, with cash related payment schemes contracted to Revenues Management Services Ltd. Over-the-counter services are provided by PayPoint plc. Marketing and public relations activities are contracted to the AMV Consortium. This consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Ltd, PHD Media Ltd and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

1. 'Could you provide the safety data sheet and risk assessments on all equipment used to detect televisions used by TVL. Hand held and vehicle mounted.'

From a technical point of view the equipment used by TVL, whether hand held or vehicle based, is similar to other surveillance equipment. The public at large are not subjected to any increased risk from the presence of such devices. There is therefore no information held in respect of a safety data sheet or risk assessments.

2. 'The number of devices in each category, so a cumulative figure can be arrived at regarding the distance signals travel to or from electronic equipment devices, used individually or together to determine what effect it may have on the Human body. These electronic devices are used in public places, what risk assessment



had been done to ensure that members of the public will not be harmed by any use of these in their operation. '

I have addressed your question regarding risk assessments in my answer to question 1.

In relation to the remainder of this question, I can confirm that we do hold the information that you have requested. However, I am withholding this information under sections 31(1)(a),(b),(d) and (g) and (2)(a) of the Act which relate to law enforcement (specifically, on the grounds that disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC's ability to discharge its public functions in respect of such matters).

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section '*Why information has been withheld*' below.

3. *'I question also, what authority you have to point such devices at me or my property or anyone else's without permission, nothing justifies intrusion by any means for any purpose, possibly breaking Human Rights.'*

I can advise that TV Licensing's use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 (RIPA) and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 (the Order). RIPA and the Order outline how the relevant investigatory powers are used by the BBC and ensure compliance with human rights. Both pieces of legislation are available online on the Office of Public Information website: <http://www.opsi.gov.uk/>.

Why information has been withheld

I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately, i.e. that people will not be unfairly subjected to detection;
2. ensuring that public funds are being appropriately applied, and specifically that:
 - a. the TV Licensing system is being efficiently run; and
 - b. value for money is being obtained.

I consider that the above public interest factors in favour of disclosure are already served by the following:

1. The use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001, as confirmed above.
2. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. NAO's most recent audit is published at www.nao.org.uk.
3. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over from the Home Office, to 3.6% for the financial year 07/08. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see www.bbc.co.uk) and the TV Licensing Annual Review (see www.tvlicensing.co.uk). A key part of this success has been the use of detection as a significant deterrent element.

In addition, the following factor is in favour of withholding the information:

The BBC has a duty to enforce the television licensing system and it is essential that effective deterrents against evasion are maintained for this purpose. Without an effective deterrent, evasion would invariably increase. This would be to the detriment of the honest majority of people who are properly licensed and to the overall amount of revenue available to the BBC. It would also increase detection costs.

In this instance, there is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Appeal Rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

Kind Regards

Catherine Graves
Complaints Manager
TV Licensing Management Team