

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 March 2018

Public Authority: British Broadcasting Corporation (BBC)

Address: BC2 B6 Broadcast Centre
BBC White City
201 Wood Lane
London
W12 7TP

Decision (including any steps ordered)

1. The complainant has requested information from the BBC about pay gaps.
2. The Commissioner's decision is that:
 - the BBC has breached section 10(1) of the FOIA as it has not complied with section 1(1) within 20 working days with respect to the complainant's request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - Respond to the complainant's request of 12 January 2018 by issuing a substantive response that meets the requirements of the FOIA.
4. 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 12 January 2018 the complainant wrote to the BBC and requested information in the following terms:

"I would like like to request the following information under the Freedom of Information Act 2000.

For BBC Scotland staff, as of 31 March 2017:

1. The mean and median:

- Gender pay gap*
- Gender bonus gap*

2. The proportion of each gender in each quartile band.

3. The mean and median pay gap for BAME employees and disabled employees."

6. On the same day the BBC acknowledged the request – its reference RFI20180061 – but did not go on to provide a response.
7. On 5 March 2018 the Commissioner wrote to the BBC and required it to provide a response to the complainant's request within 10 working days. On 19 March 2018, the complainant advised the Commissioner that the BBC had not done so.

Scope of the case

8. The complainant first contacted the Commissioner on 20 February 2018 to complain about the way his request for information had been handled.
9. The Commissioner's investigation has focussed on whether the BBC has met its obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

10. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have it communicated to him or her if it is held.

11. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
12. The complainant submitted his request to the BBC on 12 January 2018. To date the BBC has not provided a response to the request and it has breached section 10(1) of the FOIA in this regard.

Right of appeal

13. 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

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

14. 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.
15. 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
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Water Lane
Wilmslow
Cheshire
SK9 5AF