

Ofcom ref: 00516614

Information Requests

Email: information.requests@ofcom.org.uk

13 February 2018

Ref: 00516614 Freedom of Information: Right to Know Request

Thank you for your request for information on complaints about political bias against the BBC. Your request was received on 5 February 2018, and I am responding under the terms of the Freedom of Information Act 2000 ("The FoI Act").

Ofcom's remit over the BBC

Before responding, I should clarify Ofcom's role in this area.

A new BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the new independent regulator of the BBC.

For complaints about due accuracy, due impartiality, elections and referendums, Ofcom took up its new BBC responsibilities on 22 March 2017. Before that date, complaints about bias on BBC services funded by the licence fee fell outside Ofcom's remit, and we did not therefore assess such complaints. Regulatory responsibility sat with the BBC Trust.

Under the new procedures, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC, and the BBC has reached its final decision.

Full details on Ofcom's procedures for assessing complaints and conducting investigations about the BBC are available here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

Ofcom's Broadcast and On Demand Bulletin, published every fortnight on our website, includes decisions about the complaints we have received, as well as a summary of the complaint. Issues of the Bulletin are available here: <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>

Complaints about the BBC received by Ofcom under the new procedures are published in Bulletin issue 326 and subsequent editions, with distinct sections recording complaints which fall under the new BBC procedures.

Your request for information

You requested:

- the number of complaints against the BBC under the categories of "Due Accuracy", "Due Impartiality", and "Elections and Referendums", for each calendar year from 2010 to 2017; and
- the number of those complaints which referred to left-wing bias or right-wing bias.

Although details of all complaints we have considered about the programmes are listed in the Bulletins, we only hold searchable information on our complaints database for cases from 2014 onwards. We have therefore listed complaints from 2014 onwards.

For the first part of your request, we have searched for all complaints relating to BBC services in the calendar years 2014-17 under the categories "Due accuracy", "Due impartiality/bias" or "Elections/Referendums", with the number of complaints for each category in each period as follows:

	Due Accuracy	Due Impartiality	Elections / Referendums
2014	14	175	133
2015	29	236	280
2016	29	293	219
2017	57	356	305

For the second part of your request, the complaints we log on our database are categorised by the issue behind the complaint, with reference to the rules in our Codes. There is no specific category (or rule) used exclusively to identify the individual subject of a complaint. Unfortunately this means we do not hold searchable information to provide a breakdown of these complaints in the form you requested.

As the information is not readily accessible, you will understand that a considerable amount of time would be needed to manually locate, retrieve, identify and extract any relevant information. We estimate that this would take at least 18 hours, and so the cost of complying with your request will exceed the appropriate limit under Freedom of Information regulations.* This means we are unable to provide information in connection to this part of your request.

However, if you wish to submit an alternative request with a narrower, more specific scope in relation to this subject, we would be happy to give it our full consideration. In any event, with any information requested, exemptions may apply.

We hope this information is helpful. If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Information Requests

* Section 12 of the FoI Act provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF