

## **Freedom of Information: Right to know request**

Thank you for your request of 19 August 2017 in which you sought information on complaints to Ofcom about bias by the BBC. We have considered your request under the Freedom of Information Act 2000 (“the Act”).

### **Ofcom’s remit over the BBC**

Before responding, I need to 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.

For complaints about all other areas, Ofcom took up its new BBC responsibilities on 3 April 2017.

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 via the following link to our website: <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**

#### **1. Since September 2012, how many complaints have been made to Ofcom about political bias by the BBC against UK political parties; by the BBC's employees; news; other programmes; and radio shows?**

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 responded to your complaint in terms of complaints from 2014 onwards.

We have searched for all complaints relating to BBC services 2014 to 19 August 2017 under the categories “Due accuracy”, “Due impartiality/bias” or “Elections/Referendums” (which would capture complaints relating to bias). There were 1,868 complaints.

**2. In terms of numbers only, what was the breakdown of these complaints in relation to bias against specific UK political parties or their elected officials; leaders; and policies?**

We log complaints on our complaints database by category of the complaint issue (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, and we do not hold searchable information to provide a breakdown of these complaints in relation to bias against specific UK political parties or their elected officials, leaders, or policies.

The information is not readily accessible as a considerable amount of time would be needed to manually locate, retrieve, identify and extract any relevant information. Section 12 of the 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.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and as such the cost of complying with your request will exceed the appropriate limit. We will therefore not be able to provide any 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.

**3. How many of these complaints to Ofcom, per UK political party, elected officials; leaders; or policies, where upheld?**

No complaints were upheld.

**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 exceptional 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