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Information Rights
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Mohamad Al-Mail
request-1260997-425e02ff@whatdotheyknow.com

15th May 2025

Dear Mohamad Al-Mail,

Freedom of Information request - OOS2025/00638

Thank you for your email of 28th April. The BBC is replying under the Freedom of Information Act 2000 ("**FOI Act**"). You asked:

I would like to refine my request to seek information that falls outside the scope of the BBC's derogation relating to journalistic content.

Specifically, I request the following:

- 1. Statistics regarding complaints of perceived bias in reporting on proscribed organisations — specifically Hamas, Hezbollah, and Hay'at Tahrir al-Sham (HTS) — between January 2023 and January 2025.*
- 2. Statistics concerning the number of times the BBC sought legal advice between January 2023 and January 2025 in relation to reporting on proscribed organisations — specifically Hamas, Hezbollah, and HTS — including advice regarding compliance with Section 12 of the Terrorism Act 2000.*

For clarity, I am not requesting information relating to specific editorial decisions, programme content, or journalistic output. Rather, I seek documents concerned with institutional compliance, policy, and training. I believe this request relates to the governance and oversight of editorial standards, rather than to journalistic content itself.

We have carefully considered your request and concluded that it is clear from your description of the information you are seeking that if the BBC held information of the kind you have asked for, it would all be held for the purposes of journalism, art or literature.

The FOI Act does not apply to information held by the BBC for any of those purposes. This is explained in an information sheet enclosed with this letter.

To be clear, in this case we have not searched for any information since any that we found would be non-disclosable, and the searches would not serve any useful purpose.

Review and appeal rights

In cases where we determine that the requested information is held for the purposes of journalism, art or literature, we do not offer an internal review. However, you can ask the Information Commissioner to decide whether the BBC has done what the FOI Act requires. Complaints can be made online at <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/>. Other contact details are:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF.

Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely

BBC Information Rights

Additional Information:
Information held for the purposes of journalism, art or literature

As a publicly-funded organisation, the BBC seeks to be open, transparent and accountable. The BBC makes available a wealth of information about its services, management and finances through its website at <https://www.bbc.co.uk/>. The Freedom of Information Act 2000 (the “FOI Act”) generally gives a right of access to recorded information held by public authorities, including the BBC and the other publicly-owned broadcasters – Channel 4, S4C and MG Alba.

However, alongside the public interest in accessing information, the FOI Act reflects the critical importance of these broadcasters in UK society, including the BBC’s mission to enrich people's lives in the UK and around the world with programmes and services that inform, educate and entertain. The FOI Act therefore applies to the BBC, Channel 4, S4C and MG Alba only in the case of information “held for purposes other than those of journalism, art or literature”: see Part 6 of Schedule 1 to the FOI Act.

We can confirm that the FOI Act does apply to information we hold about the management and running of the BBC, i.e. the direction of policy, strategy and resources which provides the framework within which a public service broadcaster conducts its operations. However, the law recognises that if the FOI Act applied 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, the BBC’s ability to deliver its mission would be severely hampered.

For example:

If a company suspected that the BBC was investigating allegations of malpractice and was able to request access to all the information the BBC held about it, the investigation could collapse.

If a competitor could access details of BBC newsgathering operations, the way it makes its shows or details of the programmes it plans to broadcast, the BBC would be put at a serious commercial and operational disadvantage.

If the BBC was at risk of having to reveal details of how particular editorial decisions were made, its editors, producers and journalists would not feel free to express themselves candidly.

It is of course essential that high standards of accountability are maintained at the BBC. However, there are other ways, apart from the FOI Act, to ensure this, such as the BBC’s own complaints and investigations procedures. In addition the BBC is subject to external scrutiny by Ofcom and Parliamentary bodies such as Select Committees and the National Audit Office.

In an important case (*Sugar v. BBC* [2012] UKSC 4) the UK Supreme Court decided this exception covered:

“first, the collecting, writing and verifying of material for publication; second, the editing of the material, including its selection and arrangement, the provision of context for it and the determination of when and how it should be broadcast; and third, the maintenance and enhancement of the standards of the output by reviews of its quality, in terms in particular of accuracy, balance and completeness, and the supervision and training of journalists.”

The court also recognised that:

“Self-critical review and analysis of output is a necessary part of safeguarding and enhancing quality. The necessary frankness of such internal analysis would be damaged if it were to be written in an anodyne fashion, as would be likely to be the case if it were potentially disclosable to a rival broadcaster.”

The BBC has determined that some or all of the information you have asked for is held for the purposes of journalism, art or literature, and so the FOI Act does not apply to it. In this case, we are therefore declining to disclose that information.