



Information Policy and Compliance

bbc.co.uk/foi

17 April 2007

Dear Mr

Freedom of information requests – RFI2007000307 and RFI2007000316

Thank you for your requests under the Freedom of Information Act 2000 (“the Act”) dated 19 and 22 March 2007, seeking further information about TV Licensing. For ease of reference I have addressed both requests in the same response and have answered your questions below.

RFI2007000307

On 19 March 2007 you asked the following:

Please could you provide me with the following information:

- *The annual cost of operating TV detection devices.*
- *The annual cost of maintaining TV detection devices.*

The broad answer to your questions is contained in the attached document, *TV Licensing Costs of Collection*, which you will see contains general information on collection costs, including call centres, field force, detection and over the counter services. More specific answers to your questions are detailed below.

Please could you break down the cost in the following manner:

1. *Total cost for TV detection vans*

I can confirm that we do hold the information you have requested. However, I am withholding this information under subsections 31(1)(a), (b), (d) and (g) of the Act which relate to law enforcement, specifically that disclosure would, or would be likely to, prejudice the prevention or detection of crime.



INVESTOR IN PEOPLE

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 considered the public interest test in the section on why information has been withheld below.

2. *Cost per individual van*

The cost of a new detector van is £108,474.59. This figure includes the cost of the vehicle prior to it being modified (£14,900.36). The figure does not include all the BBC's internal costs for researching and developing the technology involved. These costs are not quantifiable as they are incorporated in non-specific costs such as staff salaries, which cover their work on a number of projects.

3. *Total cost for hand-held TV detection services*

I can confirm that we do hold the information you have requested. However, I am also withholding this information under subsections 31(1)(a), (b), (d) and (g) of the Act for the reason stated above.

4. *Cost per individual hand-held device*

The cost of a hand-held device is around £600. This figure does not include all the BBC's internal costs for researching and developing the technology involved. These costs are not quantifiable as they are incorporated in non-specific costs such as staff salaries, which cover their work on a number of projects.

RFI2007000316

On 22 March you asked the following:

TVL made a threat, that because I do not have a TV licence and will not permit them to enter my property, they may use TV detection devices to determine if I am illegally using television receiving equipment.

- 1. Does TVL need to make an application, for example to a magistrate or some other legal body, to conduct surveillance against me?*
- 2. Do I have a right, upon a request, to know if any such surveillance is to be or has been conducted against me?*

As you may know, the BBC's use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 ('the Act') and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 ('the Order'). The Act and Order outline how the relevant investigatory powers are to be used by the BBC and ensure compliance with human rights. Both pieces of legislation are publicly available online on the Office of Public Information website (<http://www.opsi.gov.uk/>).

It may be helpful if I set out TV Licensing's process for authorising requests for the use of detection equipment. Requests for authorisation must be made in writing to the Head of Sales and Marketing or anyone holding a more senior role within the TV Licence Management Unit of the BBC (who are the persons designated for this purpose by the Order). The Order sets out the criteria which the authoriser must consider when assessing an application for use of detection equipment, namely that its use is:

- necessary for the purpose of preventing or detecting crime constituting an offence under part 4 of the Communications Act 2003 or for the purpose of assessing or collecting sums payable to the BBC under regulations made under section 365 of the Communications Act 2003; and
- proportionate to what is sought to be achieved.

You may submit a request for information as to whether surveillance is to be or has been conducted in respect of your premises. However, personal data which is processed for the purposes of preventing or detecting crime or apprehending or prosecuting offenders are exempt from disclosure if any of these purposes would be likely to be prejudiced by such disclosure. It is therefore unlikely that any information regarding use of detection equipment would be disclosed.

Why information has been withheld

It is a criminal offence to install and use television-receiving equipment to watch or record television programme services without a valid licence. TV Licensing investigates and prosecutes such unlicensed use of television receiving equipment. It uses detection equipment to assist in this activity.

I am required under s 2(2) of the Act to assess whether the public interest in maintaining the exemption outlined in the sections above outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that public funds are being appropriately applied, that is:
 - a. ensuring that the TV Licensing system is being efficiently run; and
 - b. ensuring that value for money is being obtained.

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

1. 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.

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 http://www.nao.org.uk/publications/nao_reports/06-07/0607183.pdf.
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 5% for the financial year 05/06. 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), the TV Licensing Annual Review and the *About TV Licensing* document (see <http://www.tvlicensing.co.uk/aboutus/index.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

In this instance, the public interest is served by maintaining an effective deterrent to licence fee evasion and thus in turn protecting the BBC's revenue stream.

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 (outlined above) 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 provided, 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/>

I hope this response is helpful.

Yours sincerely,

Natalie Saunderson
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BBC TV Licensing Management Team