

Supplementary Consultation on the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations

1. The BBC as a public authority in relation to certain information and also a frequent requester of information from public authorities welcomes the decision to hold a supplementary consultation exercise. We believe the government is right to seek views on the principle of whether any amendment to the current regulations is needed.

Question 1. **Do you agree that the FOI Fees Regulations should be amended to deal with the problem of disproportionately burdensome requests?**

2. In our view there is no need for the regulations to be amended.

3. Amending the regulations to restrict access to information has inevitable and important disadvantages – it would prevent valuable FOI disclosures which are in the public interest and it would risk undermining the principles of FOI. This course should only be pursued if there is an even more important need to reduce the administrative burden of FOI. We do not believe that exists. There will always be some inappropriate and burdensome FOI requests, but they do not reach the level which requires a change to the regulations.

Question 2. **Do you consider that the draft regulations attached to consultation paper CP 28/06 would succeed in dealing with the problem? If not, do you have any other suggestions for dealing with disproportionately burdensome requests?**

4. We believe the existing legislation including its exemptions and the current Fees Regulation provides adequate safeguards against FOI imposing a disproportionate burden on public authorities.

5. The BBC asserts that problems surrounding the application of the FOI could be successfully managed by provision of clear guidance on how public authorities should manage and apply FOI (for example in the manner of the Information Commissioner's recent clarification on dealing with Vexatious and Repeated Requests).

6. We have already made clear in our response to the previous consultation our opposition to the new draft regulations then being proposed, and we would like to restate our opposition. We believe they would prevent valuable FOI disclosures, while being open to abuse. They would also not tackle any perceived problems efficiently, because they introduce complexities which would prompt more appeals and reduce any expected cost savings.

7. The current regulations are a reasonable compromise between the interests of requesters and of bodies who receive FOI requests. We conclude that they should not be amended.

Question 3. **Do you wish to make any other comments on the principles or details of the proposals set out in consultation paper CP 28/06?**

8. We attach our previous Consultation responses in order to provide a record of the BBC's position on the proposed Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations.