21 June 2011

Freedom of Information request – RFI20110606

Thank you for your request to the BBC of 25th May 2011, seeking information about music licensing under the Freedom of Information Act 2000 ("the Act").

Please note that the information you have requested is excluded from the Act because it is held for the purposes of ‘journalism, art or literature.’ Part VI of Schedule 1 to FOIA provides that information held by the BBC and the other public service broadcasters is only covered by the Act if it is held for ‘purposes other than those of journalism, art or literature’.

The BBC is not required by the Act to supply information held for the purposes of creating the BBC’s output or information that supports and is closely associated with these creative activities.

However, on this occasion, we’re happy to volunteer the information below, outside the scope of the Act, in response to your request.

1. List all the music licensing and royalties companies (e.g. PRS for Music) the BBC works with.

The BBC has blanket licence agreements with the main music collecting agencies in the UK, i.e. PRS for Music, PPL and VPL which cover the use of music across all of its TV, radio and online services.

For more information about how the Act applies to the BBC please see the enclosure at the end of this letter.

Please note that this guidance is not intended to be a comprehensive legal interpretation of how the Act applies to the BBC.
2. Does the BBC use online music companies (e.g. PumpAudio or Musicdealers.com)? If not, why not?
3. Would the BBC consider, or are they considering working with online music licensing companies?
The BBC does not currently have any separate agreements or licences with online music companies such as Pump Audio since the breadth and scope of its agreements with the main music collecting societies cover its music requirements, although the BBC would not rule out using these in the future alongside commercial music if it made editorial and/or economic sense to do so.

4. Does the BBC pay a monthly/yearly fees for these companies if yes how much is it per year/month?
5. How much does the BBC spend yearly on music licensing?
6. What is the average cost for playing a 5-10 sec clip in a BBC programme?
This is not information that the BBC will volunteer outside the scope of the Act. Information regarding annual fees is commercially sensitive and the BBC is not at liberty to share that information with third parties. It's also not possible to say how much is paid for any specific music use, since the BBC is not party to the distribution arrangements of the collection societies.

7. What type of license does the BBC commonly use for music and online programme
Please see the response to question 1.

Appeal Rights

The BBC does not offer an internal review when the information requested is not covered by the Act. If you disagree with our decision you can appeal to the Information Commissioner. Contact details are: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF telephone 01625 545 700. http://www.ico.gov.uk

Yours sincerely,

Nicky Bignell
BBC Rights & Business Affairs
**Freedom of Information**

From January 2005 the Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by public authorities. The Act also sets out exemptions from that right and places a number of obligations on public authorities. The term “public authority” is defined in the Act; it includes all public bodies and government departments in the UK. The BBC, Channel 4 and S4C are the only broadcasters covered by the Act.

**Application to the BBC**

The BBC has a long tradition of making information available and accessible. It seeks to be open and accountable and already provides the public with a great deal of information about its activities. BBC Information operates 24 hours a day, seven days a week handling telephone and written comments and queries, and the BBC’s website bbc.co.uk provides an extensive online information resource.

It is important to bear this in mind when considering the Freedom of Information Act and how it applies to the BBC. The Act does not apply to the BBC in the way it does to most public authorities in one significant respect. It recognises the different position of the BBC (as well as Channel 4 and S4C) by saying that it covers information “held for purposes other than those of journalism, art or literature”. This means the Act does not apply 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.

A great deal of information within this category is currently available from the BBC and will continue to be so. If this is the type of information you are looking for, you can check whether it is available on the BBC’s website bbc.co.uk or contact BBC Information.

The Act does apply to all of the other information we hold about the management and running of the BBC.

**The BBC**

The BBC’s aim is to enrich people’s lives with great programmes and services that inform, educate and entertain. It broadcasts radio and television programmes on analogue and digital services in the UK. It delivers interactive services across the web, television and mobile devices. The BBC’s online service is Europe’s most widely visited content site. Around the world, international multimedia broadcaster BBC World Service delivers a wide range of language and regional services on radio, TV, online and via wireless handheld devices, together with BBC World News, the commercially-funded international news and information television channel.

The BBC’s remit as a public service broadcaster is defined in the BBC Charter and Agreement. It is the responsibility of the BBC Trust (the sovereign body within the BBC) to ensure that the organisation delivers against this remit by setting key objectives, approving strategy and policy, and monitoring and assessing performance. The Trustees also safeguard the BBC’s independence and ensure the Corporation is accountable to its audiences and to Parliament.

Day-to-day operations are run by the Director-General and his senior management team, the Executive Board. All BBC output in the UK is funded by an annual Licence Fee. This is determined and regularly reviewed by Parliament. Each year, the BBC publishes an Annual Report & Accounts, and reports to Parliament on how it has delivered against its public service remit.