



Information Policy and Compliance

bbc.co.uk/foi

Richard Lamont

By email to Richard@lamont.me.uk

14 August 2007

Dear Richard,

Freedom of information request – RFI2007000673

Thank you for your request under the Freedom of Information Act 2000 (“the Act”) dated 5th August, seeking:

“copies of any memoranda, reports or other documents relating to the widespread failure of BBC Radio’s national distribution network (feeding analogue transmitters) which occurred during the afternoon today, Sunday 5th August 2007.”

The root cause of the problems experienced with the BBC’s analogue radio networks on the afternoon of the 5th August was a failure of a single piece of equipment due to overheating. This caused a period during which there were interruptions to all of the analogue radio services, as this unit was – unexpectedly – a single point of failure in the otherwise resilient telecoms distribution network. The complete loss of BBC Radio 1 in areas north of Birmingham from 2.11pm until 3.02pm was caused by an unrelated fault affecting the BBC’s reserve distribution network.

The BBC’s other distribution platforms for our national radio services – internet, Freeview, satellite, cable, DAB digital radio – were not affected by this fault, nor did this fault affect any of the BBC’s local or regional radio services.

I enclose the two emails relevant to your enquiry. These emails have been redacted in a number of places to remove certain details for one of three reasons: (i) the BBC considers the details to be subject to the exemption in section 24 of the Act (national security); (ii) the BBC considers the details to be subject to the exemption in section 43 of the Act (commercial prejudice); or (iii) the details are not relevant to your request.



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The exemption in sections 24 and 43 are qualified exemptions. We have therefore considered the public interest in releasing this information before deciding to withhold it.

Section 24

We are applying this exemption to the detailed information which, if it was not withheld under this exemption, would enable others to attack or disable our networks (or those operated to provide services to us) and would possibly prevent us from delivering such services.

We recognise that there may be public interest in disclosing this information, given that the fault potentially affected a large number of listeners (as it affected all of the BBC's national analogue radio networks) and that Radio 1 was off-air for a substantial period of time. It is in the public interest that the BBC is as open as possible to licence-fee payers about the reasons why its services were off-air and the measures in place to prevent this type of loss of service.

Against the public interest in releasing this information are our obligations to provide information and services in times of emergency and crisis, which are set out in the Charter and Agreement. There is clearly public interest in being able to receive such services in such times.

Our judgement is that the detail otherwise released in response to your enquiry provides sufficient information to address any public interest in the incident and so there is no remaining interest in the information we have withheld under section 24.

I am 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 in disclosing the information.

Section 43

We are applying this exemption to a specific detail which represents the BBC's expectations in terms of the service it buys from Siemens IT Solutions for reasons of commercial prejudice. Releasing this particular piece of information would reveal a term of the BBC's agreement with Siemens which may be subject to a competition again in a future procurement and to which any future bidder to the BBC for these services would not otherwise have access. This would place Siemens at an unfair disadvantage against potential competitors.

We recognise that there may be public interest in understanding the detailed terms on which the BBC buys these services, as the BBC is (for the most part) spending money contributed by the public for public purposes.

However, were this information released, the public interest would be harmed because the BBC's ability to negotiate and determine service levels in a competitive environment – in the best interests of the licence-fee payer – may be impaired. It is in the public interest that the BBC should be able to compete contracts on a fair and equal basis and conduct its

procurement subject to the Procurement Regulations, in order to get the best possible value for money.

As the information withheld refers to a generalised term of an overall service bought from Siemens and not to the specific incident you refer, we consider that there is little remaining public interest in this detail.

I am 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 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 above, 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/>

Yours sincerely,

Steve Gutteridge
BBC Distribution