

Reference: 01463494

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Freedom of Information: Right to know request

Thank you for your request for information asking for complaint figures about the BBC in relation to inaccurate reporting on transgender and LGBTQ+ topics and transphobic reporting. We received this request on 6 June 2022 and have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request

You asked:

I am making a request, under the Freedom of Information Act 2000, for the following information:

The number of complaints that the BBC has received, via Ofcom, broken down by year between 2016 and 2021 with specific regards to inaccuracies in reports, where the publication concerns transgender and LGBTQ+ (Lesbian, Gay, Bisexual, Transgender and Queer/Questioning) topics.

The number of complaints that the BBC has received, via Ofcom, broken down by year between 2016 and 2021, where the complainant has raised concerns about potential transphobia or transphobic reporting or ulterior motives for publication, where the publication concerns transgender and LGBTQ+ (Lesbian, Gay, Bisexual, Transgender and Queer/Questioning) topics.

Background

By way of background, we log complaints in reference to the Broadcasting Code rules, or BBC Editorial Guidelines for BBC Online complaints, and we publish details about complaints we have received on our Broadcast and On Demand Bulletin (“the Bulletin”), which is published every fortnight on our website. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. Issues of the Bulletin published after January 2020 are available on the [Bulletin Hub](#) and earlier issues are available on our [website](#).

In addition, we publish information on complaints received in relation to BBC Online material on our [bulletin for complaints about BBC online material](#).

Ofcom took on responsibilities as the independent regulator of the BBC on 3 April 2017 pursuant to a new BBC Royal Charter and Agreement published in December 2016. Please note that under the BBC Charter and Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC, and the BBC has reached its final decision. This is known as the “BBC First” process. We hold statistics on complaints we have closed ahead of the BBC First process, but we do not hold information about complaints received directly by the BBC other than in its published reports or information provided to Ofcom, which we publish in our [annual reports](#).

Prior to 3 April 2017, complaints relating to due accuracy and due impartiality in programmes on BBC services funded by the licence fee fell outside Ofcom’s remit. Where such complaints were made to Ofcom, these were referred to the BBC Trust.

Our response

I can confirm that Ofcom holds information relating to this request in its records. We log complaints based on categories encompassing a wide range of issues, and the relevant categories for the types of complaint in your request are likely to be “accuracy”, “impartiality”, “sexual orientation”, and “transgender discrimination / offence”, in addition to the more all-encompassing “generally accepted standards” category.

Given this context, we would be required to undertake a manual search of each complaint received in relation to BBC services under these categories recorded in our system from 3 April 2017 to 31 December 2021, in order to determine whether the complaint falls within the scope of your request, as it wouldn’t be possible to determine the exact subject related to cases other than a case-by-case review. With this in mind, we consider the information requested is not readily accessible.

Section 12 of the FOI Act provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and as such the cost of complying with your request will exceed the appropriate limit. We will therefore not be able to provide any information in connection to your request.

If you wish to submit an alternative request with a narrower, more specific scope in relation to this subject, we would be happy to give it our full consideration. In any event, with any information requested, exemptions may apply.

You may find the links to the Bulletin above, and the [BBC's complaints website](#), to be helpful resources.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Katherine Childs

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#).

Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF