



Information Policy & Compliance

bbc.co.uk/foi bbc.co.uk/privacy

Mr Martin Walkerdine

By e-mail: walkerdine2006@gmail.com

16 December 2013

Dear Mr Walkerdine,

Freedom of Information Act 2000 – RFI20121350

Thank you for your request under the Freedom of Information Act ('the Act') of 13 September 2013, seeking the following:

I am seeking the full report into the Payola scandal that linked BBC Dj's and others with a sex scandal that used services offered by Janie Jones (Marion Mitchell) approx 40 years ago in the Kensington area on London that suggested that BBC Dj's were to play music on Radio for sex favours and also BBC stars rigged the charts for BBC1 Top of the pops as the BBC ordered in the past a report into this event and hired Mr Brian Neill QC & Mr James Crocker to investigate the claims and pass these finding to the BBC's legal team Mr Richard Marshall at that time.

- 1. I would like to know what action was taken.*
- 2. I would like to know the Celebrities linked to this event.*
- 3. I would like to know was any other BBC staff involved.*
- 4. I would like to know is there any reason why this report as never been seen by the general public.*

I also would like to know if the police were aware of this claims at that time and have MPS (Operation Yewtree) made contact with you over this since the Jimmy Savile sex crimes came to light by the ITV documentary into Savile.

First of all, we would like to apologise unreservedly for the delay in responding to your request, and for any inconvenience this may have caused.

In response to the above, the independent inquiry by Brian Neill, QC was commissioned by the BBC in response to a series of allegations made in the News of the World. Over 100 interviews were conducted over the course of the inquiry, at least 15 of which were undertaken by Mr. Neill himself. Ultimately he concluded that the evidence before him fell 'a very long way short' of justifying the

allegations of widespread corruption, although he noted he had been unable to review the News of the World's evidence, which it had provided to the Police (despite efforts to obtain this from both parties). Nonetheless, Mr. Neill did make some recommendations on existing procedures which could be examined and revised. Please find a copy of the report provided by Brian Neill QC to the BBC in May of 1972 attached as Disclosure Documents 1 and 2.

You will see that much of the information in the report has been withheld under section 40; this is because disclosure would place the BBC in breach of the Data Protection Act. Further explanation of this is provided below. The report has previously been disclosed in redacted form in response to previous requests under the Freedom of Information Act.

In response to your final question, as noted above, a police investigation followed the publication of the News of the World's allegations in 1971. With regard to police investigations since the broadcast of the ITV1 documentary 'Exposure: The Other Side of Jimmy Savile' on 3 October 2012, you will be aware that the Metropolitan Police Service (MPS) Operation Yewtree was ongoing at the time of your request and continues at the present time. We confirm that since the allegations against Jimmy Savile were first reported in October 2012, the BBC has continued to work closely with the relevant police authorities and to provide full support to any lines of inquiry they wish to pursue. However, under section 31(3) (law enforcement) of the Act, we do not confirm or deny whether the MPS has contacted the BBC in respect of any specific lines of inquiry as to do so could prejudice their ongoing investigation.

As section 31 is a qualified exemption, we are required to consider the balance of the public interest in all the circumstances of the case. In favour of confirming or denying that the information is held, we noted the public interest in demonstrating that the BBC continues to work with the appropriate authorities when required. However, confirming or denying whether any particular line of enquiry is or is not being pursued by the MPS could compromise the integrity of the ongoing investigation. Whilst the Police are investigating a number of lines of enquiry and the investigation remains on-going, the public interest in protecting the integrity of the Metropolitan Police investigation is particularly strong. We therefore give greatest weight to the public interest in avoiding prejudice to an open police investigation and we consider that the public interest in maintaining the exemption outweighs the public interest in confirming or denying that the information is held.

Redactions made under section 40 of the Act (personal data)

The BBC has withheld the names of a number of individuals in the report – as well as other information from which they could be identified – under section 40(2) of the Act as this constitutes their personal data, the disclosure of which would be unfair. This has been done for two reasons, firstly if an individual was accused of an offence or secondly if an individual working for the BBC was a junior staff member at the time of Brian Neill's inquiry.

Individuals accused of offences

In this case, the BBC has had to take great care to ensure that it complies with the obligations placed upon it by the Data Protection Act, in respect of a number of individuals. Information pertaining to the commission or alleged commission of an offence is categorised as 'sensitive personal data' under the Data Protection Act. As such, disclosure will amount to a breach of the first data protection principle (fair and lawful processing) unless a condition in Schedule 3 of the Act can be met. In the current circumstances, none of these conditions can be satisfied and, accordingly, the BBC is not permitted to disclose information that will allow these individuals to be identified in any way.

Individuals who were junior staff members in 1971

A small number of names of junior employees of the BBC, who were support staff to the inquiry, have also been removed using section 40 of the Act. These individuals would not expect their personal data to be disclosed in these circumstances and therefore to do so would be unfair (and also a breach of the first data protection principle).

Individuals who are now deceased

Where we are unsure if a named individual is alive or dead, we have assumed that for the purposes of this request that they are alive. For the avoidance of doubt, we confirm that no redactions have been made of any allegations of corruption or misconduct on the part of Jimmy Savile.

Appeal Rights

If you are not satisfied that we have complied with the Act in responding to your request, 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,

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