



Information Policy and Compliance

Our ref RFI 2005000279

Heather Brooke

17 March 2005

Dear Ms Brooke,

Thank you for your request under the Freedom of Information Act 2000 ("the Act") dated 18 February which we received on 21 February seeking:

"all minutes from meetings held by the BBC's Board of Governors during the time period January 16 -31, 2004".

The Board of Governors met on 28 January 2004. There was a short informal meeting on 29 January 2004 but this meeting was not minuted. No other meetings of the Board of Governors were held during the period 16-31 January 2004.

We are withholding the minutes of the 28 January 2004 meeting under section 36(2)(b)(ii) of the Act because disclosure would prejudice the free and frank exchange of views for the purposes of deliberation.

The decision to withhold the information referred to above was formally made by the Board of Governors, representing the BBC which is the qualified person under section 36.

The Governors discussed the issues arising from this request very carefully and at appropriate length, considering all reasonable alternative options and after taking detailed professional advice. The Board considered the public interest in scrutinising the information requested and decided, on balance, that public interest considerations did not outweigh the need to maintain the exemption in this situation.

In reaching its decision, the Board of Governors had regard to the fact that this meeting required the participants to be able to rely upon confidentiality in order for discussion to take place on a completely frank and open basis and to consider all the options. If the information requested were required to be disclosed, the conduct of and minuting of future discussions considering matters of appropriate gravity would be fundamentally undermined. The Governors considered that the public interest would not be served by allowing a disclosure of information which would have such an effect.



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Given the decision was taken by the Board of Governors, it is not possible to offer an internal review. However, you have a right to refer this matter to the Information Commissioner, if you wish.

Yours sincerely,

A handwritten signature in black ink that reads "James Leaton Gray". The signature is written in a cursive style with a large initial 'J' and 'G'.

James Leaton Gray
Head, Information Policy and Compliance