



Litigation Department

Our ref :
Your ref :

Direct Line :

24 January 2012

Nicola Enston
Deputy Solicitor to the Leveson Inquiry
Royal Courts of Justice
Strand
London
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BY EMAIL:

Dear Ms Enston

Mark Thompson's Oral Evidence – 23 January 2012

Further to Mark Thompson giving oral evidence to the Inquiry yesterday, we wish to raise a few minor points of clarification which you and Counsel to the Inquiry may find helpful.

I refer to the relevant page and line numbers of the pdf transcript.

1. Page 16, line 22 – when discussing the Primark example, Mr Thompson described the sequence of film complained of by Primark as having been brought to the BBC by a third party. We wish to clarify that while the sequence was filmed by a freelance journalist on his own in India, he had been engaged by the BBC to undertake that research prior to a decision being made to commission a programme.
2. Page 32, line 24 – the reference to the BBC receiving two to three privacy complaints per year on average is a reference to the legal complaints we receive and does not include editorial complaints about privacy.
3. Page 37, line 7 and page 38, line 1 – we wish to make clear that while blogs authored by BBC journalists are considered by a senior editor or colleague before they are uploaded on the BBC's website, tweets are not given their immediate nature. Tweets are post-moderated by senior editors who subscribe to the BBC Twitter accounts of those authorised to have them and take appropriate action if they see anything tweeted that they regard as inappropriate.
4. Page 48, line 6 – it appeared from Counsel's questions regarding Ofcom's jurisdiction over editorial complaints about the BBC that he may think Ofcom takes only fairness and privacy complaints about the BBC and/or also only on appeal after a decision of the BBC. Ofcom has jurisdiction to take complaints about the BBC on all types of editorial complaints save for those which raise matters of accuracy and impartiality. At the beginning of the Ofcom Code, it sets

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out that sections 5, 6, 9 and 10 do not apply to BBC services funded by the licence fee (and no part of the Code applies to the BBC World Service). Further, Ofcom accepts complaints directly from complainants who have not already complained to the BBC; Ofcom's jurisdiction is separate from the BBC's own editorial complaints procedure and does not give them appellate jurisdiction only.

If you wish to discuss any of the above matters further please contact Nadia Banno on

Yours faithfully

A handwritten signature in black ink, appearing to read 'BBC'.

BBC Litigation Department