

## BBC TOLD TO PUBLISH DYKE MINUTES

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The BBC was yesterday ordered to publish secret documents that will reveal why Greg Dyke was forced out as director general after the Hutton report.

In a landmark ruling, the freedom of information tribunal ruled the corporation should publish confidential minutes of the BBC governors' meeting that took place hours after Lord Hutton criticised the corporation in January 2004.

After the meeting, Mr Dyke quit and the BBC issued an apology to Downing Street that the former director general later said was "abject, embarrassing and unjustified".

The minutes are expected to show which governors voted to force out Mr Dyke and why the board sanctioned the controversial apology.

The tribunal ruled in favour of an application by the Guardian and Heather Brooke, an open government campaigner; the BBC has been resisting the disclosure for nearly two years.

Yesterday, Andrew Bartlett QC, the presiding chair of the tribunal, said the BBC's argument to keep secret the minutes was "unimpressive, meagre and unrealistic".

"We are left with an impression that the BBC had a greater concern with the maintenance of secrecy than with the specifics of why these particularly important minutes should or should not be published," he said.

Mr Bartlett added that, in contrast, there was a "strong public interest" in knowing why the governors had decided to sack Mr Dyke and apologise to the government.

The BBC had argued that minutes of all governors' meetings should remain secret as the governors would feel afraid of expressing their real opinions if they knew that these accounts would be published.

But the tribunal agreed with the Guardian's argument that the governors' meeting after the Hutton report was a "unique and highly unusual" event in the BBC's history.

The BBC lost two of its top figures - Mr Dyke and Gavyn Davies, the chairman - after Lord Hutton criticised the corporation over the quality of its reporting on the existence of weapons of mass destruction in Iraq. Many BBC staff came out on the streets in protest at the sacking of Mr Dyke.

The Guardian and Ms Brooke had argued that the public had a right to know how the governors had reacted to the Hutton report, particularly as the BBC's apology had placed grave question marks over the independence of the corporation.

Mr Bartlett accepted the Guardian's argument that the "governors were unlikely to be 'shrinking violets' who would be inhibited from doing their duty by the thought that their deliberations might at some point become public".

He regarded as "important" the evidence given by Mr Dyke at the tribunal last month.

Mr Dyke had told the tribunal that "in my experience [the governors] are not the type of individuals who would be inhibited from expressing their views by fear that those views might be made public in the future".

The tribunal acts as the ultimate arbiter in freedom of information cases.

It is the first victory at the tribunal for a national newspaper since the freedom of information act came into force two years ago.

It comes at a time when ministers are seeking to prevent journalists and other regular users of the act from submitting high volumes of requests for politically sensitive documents.

Yesterday, the BBC said it was considering its options.

It could either hand over the documents as ordered, within 28 days, or try to overturn the ruling at the high court.

This can only be done if the BBC believes that the tribunal has made a legal error.

Source: <http://media.guardian.co.uk/site/story/0,,1986497,00.html?gusrc=ticker-103704>