

Department for **Transport**

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4 February 2011

Dear Ms Humphries

Re: Information Request – E0006237
Your Case Reference Number: FER03196898

I refer to your letter of 24 January 2011.

We can confirm that a copy of the software codes and inputs for the aviation forecasting models referred to in Mr Todd's information request has now been provided to him together with the key outputs from other transport models which are required as inputs to the aviation forecasting models in accordance with our letter to Mr Todd of 14 January.

Regarding the other software and data referred to in our response of 14 January (the "User surface access model"), which we were seeking to withhold relying on the exceptions in Regulation 12(5) (c) and Regulation 12(5) (e) of the EIR, the DfT policy official handling the request has now had an opportunity to discuss this with the Department's Information Team and lawyers. Our advice is that this is not in fact information held by the Department for the purposes of the EIR and it was a mistake to seek to apply any exceptions. This is because the information is not (nor has it ever been) in the Department's possession and it has not been produced or received by the Department. The information is not held by another person on behalf of the Department either. Therefore it does not fall within Regulation 3(2) EIR.

In fact the User surface access model is made up of primary software that is the intellectual property right (IPR) of WS Atkins plc, and secondary interface software and transport model networks which are the IPR of URS - Scott Wilson. Neither package belongs to the Department, and the Department has no rights over them. They were not developed solely for the benefit of the Department. The primary software is old Wootten Jeffreys software which WS Atkins plc acquired when it took over Wootten Jeffreys in 1994. The secondary interface software and transport model networks were developed c. 1998-1999 by Scott Wilson. Both the primary and secondary software were developed for general commercial use for a range of clients, not just the DfT. Indeed the DfT only had a contract for the construction of its suite of aviation forecasting models in place in 2000.

Mr Todd would be able to enter into a contractual arrangement to purchase the software owned by WS Atkins plc and the additional files that interact with that software package from WS Atkins and Scott Wilson Ltd. If Mr Todd is interested in purchasing the elements

that make up the User surface access model then I would advise him to contact WS Atkins and Scott Wilson Ltd directly. WS Atkins can be contacted via email: xxxx@xxxxxxxxxxxxx.xx and by phone: +44 (0)1905 338247. Scott Wilson Ltd can be contacted via email at xxxxxxxxxxxx@xxxxxxxxxxxxx.xxx

For the reasons given above, we are of the view that the Department has already provided Mr Todd with all the information that it holds for the purposes of EIR which falls within the scope of his request. I have therefore not addressed the numbered questions (1-8) in your letter of 24 January. However if you have any questions which you would still like us to address please let me know.

I apologise for the confusion that our earlier response has given rise to.

As requested, I am sending a copy of this letter to Mr Todd.

Yours sincerely

Peter Parr
Information Rights Unit