

Department for **Transport**

Ms Daniela Drysdale
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25 February 2009

Dear Ms Drysdale,

Freedom of Information Internal Review: FV Gaul

I am writing to inform you of the outcome of the internal review into the Department's response to the Freedom of Information (FOI) request that you submitted on 22 October 2008.

In this request, you wrote:

"In a letter addressed to Mr Julian Brazier TF MP, dated 8 April 2008, Mr Jim Fitzpatrick, Parliamentary Under Secretary of State for Transport, stated, "I am advised that there is no reason to reopen the [Gaul] investigation."

I would be grateful if Mr Fitzpatrick could let us know whom he had been advised by and in what manner that advice had been conveyed, and kindly give us a complete account of that advice."

In the Department's response of 17 December, Theresa Crossley informed you that:

"No further analysis or advice was given to Jim Fitzpatrick MP than appears in the letter. Therefore, the information you requested does not exist."

My review of the Department's response confirms that to be the case.

Your further correspondence on this matter, contained in e-mails dated 21 December 2008 and 9 January 2009, focuses on the construction "I am advised that ..." used in the letter dated 8 April, which you interpret as being inconsistent with our response to your FOI request.

It is a common practice for Department officials to draft correspondence for Ministerial approval. It is also the responsibility of officials to provide further information on the matters to which that correspondence relates, if appropriate. Ministers may also ask for additional information if they are not satisfied with that provided. In this case, the only advice sent was a draft of the letter, and no request for additional information was made by the Minister. The draft which became the 8 April letter served two purposes; it acted as the sole source of background as well as a suggested form of response to Julian Brazier MP.

In summary, the response to your FOI review request is:

1. Mr Fitzpatrick was advised by the Departmental officials dealing with this matter who drafted the letter of 8 April;
2. The advice was conveyed by means of the draft letter;
3. The letter provides a complete account of the advice given, as set out above.

Having reviewed the circumstances surrounding this case, I am satisfied that Mr Fitzpatrick received no information on this subject beyond that contained in the letter to Julian Brazier MP dated 8 April.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Bennett', written in a cursive style.

Richard Bennett