



Department  
for Transport

Mr Mark Killiner  
Deputy Head of Correspondence  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Web Site: [www.gov.uk/dft](http://www.gov.uk/dft)

Mr Neal Dodge  
[By email: [request-616599-18565c09@whatdotheyknow.com](mailto:request-616599-18565c09@whatdotheyknow.com)]

Our Ref: F0017979

12 November 2019

Dear Mr Dodge,

### **Freedom of Information Act Request – F0017979**

Thank you for your Freedom of Information (FOI) request of 30 October 2019, in which you requested the following information:

***'Under the freedom of information act I would like to request the following information relating solely to the cascade or transfer of the Class 170 diesel multiple units from Greater Anglia, the current holder of the East Anglian rail franchise, that commenced in the last few months.'***

***'-Any documents or parts of documents produced by the department -Any correspondence, including records of internal meetings and emails between members of the department; -Any correspondence, including records of meetings and emails between members of the department and staff of external organisations including but not limited to Greater Anglia, Transport for Wales, Transport for Wales Rail Services, the Office of Rail & Road, and Porterbrook.'***

Your request has been considered under the FOI Act 2000 and the Department has completed its search for information. We can confirm that we do hold information relevant to your request. Please find in **Annex A** to this letter a copy of a departmental email which falls within the scope of your request. Please find attached to this reply, the document (*191024-DfT 2233-AEA-FINAL Consent Letter*) referred to in the afore-mentioned email, which also falls within the scope of your request.

The names and direct contact details of DfT junior officials (that is staff below the senior civil servant grade) and those of external stakeholders have been redacted from the attached information in reliance on the third party personal information exemption at section 40(2)&(3) of the FOI Act 2000 (see **Annex B** for the full text of the exemption).

These individuals are not in public facing roles and therefore have a reasonable expectation that their names and direct contact details will not be placed into the public domain. To do so would be unfair and would contravene current data protection legislation. Section 40 is an absolute exemption so does not require a public interest test.

If you are unhappy with the way the DfT has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the DfT's FOI Advice Team at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: FOI-Advice-Team-DFT@dft.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

**Mark Killiner**

Deputy Head of Correspondence  
Passenger Services, Rail Group

### **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition, a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF



and British

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## **Annex B**

### **Extract – Section 40 Personal Information Exemption.**

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

(a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or

(b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.