



Mr Natnael Binyam

By email: request-515979-1d0f2ad4@whatdotheyknow.com

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8th October 2018

Dear Mr Binyam

Information request

Reference number: FOI2018/01232

Thank you for your email of 13th September 2018, in which you requested the following information:

Original request received 31st August 2018:

I would like to write a request if you have a CD for London Euston, London Waterloo, Birmingham New Street, Reading and London Bridge Station Announcements. I've read another request where you couldn't accept all of the stations.

linked here

https://www.whatdotheyknow.com/request/station_announcements_3#incoming-713821

If you can't with mine please send the ones that are possible

Clarification of request received 13th September 2018:

I am looking for the manual ones for all of the previously asked stations please sorry if I wasn't clear

We have therefore interpreted your request to be as follows:

I would like the manually recorded/scratchpad announcements for London Euston, London Waterloo, Birmingham New Street, Reading and London Bridge on CD.

We have processed your request under the terms of the Freedom of Information Act 2000 (FOIA). On this occasion, we are refusing to provide the information you have requested; this is because the cost of retrieving the information would exceed the 'appropriate limit' set out in section 12 of the FOI Act. We will explain this below.

Section 12 of the FOIA

Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(the Regulations\)](#) (see link attached):

"12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".

The Regulations provide that the appropriate limit to be applied to requests received by public authorities, such as Network Rail, is £450 (equivalent to 18 hours of work). According to the guidance published by the Information Commissioner, in estimating the cost of complying with a request for information, it is appropriate for us to take into account any reasonable costs incurred in:

- a) determining whether we hold the information;*
- b) finding and retrieving the information; and*
- c) extracting the information."*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The cost of complying with your request

To explain, in order to obtain the manual recorded announcements for the five stations that are the subject of your request, they need to be extracted from our Customer Information Systems (CIS) by the relevant manufacturer. In this case, Amey is the supplier of our CIS at London Waterloo Station, and Worldline, an Atos company, supply these systems at the remaining four stations, namely London Euston, Birmingham New Street, Reading and London Bridge.

There is a charge to Network Rail for these recordings to be extracted by each of these companies from the CIS on our behalf and provided to us to respond to this request. we will now provide an estimate of these charges to explain why extraction of the information would exceed the £450 limit.

To calculate this estimate, we have followed the Information Commissioner's guidance on Section 12 :

21. *A public authority does not have to make a precise calculation*

of the costs of complying with a request; instead only an estimate is required. However, it must be a reasonable estimate.

22. *What amounts to a reasonable estimate can only be considered on a case by case basis. However, the Information Tribunal in the case of [Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency \(EA/2006/0004, 30 October 2007\)](#) said that a reasonable estimate is one that is “....sensible, realistic and supported by cogent evidence”¹.*

In making preliminary enquiries with both suppliers, we understand that retrieval of the files requested for any one of the five stations alone will almost certainly attract a charge in excess of £450. This estimate is based on ‘cogent evidence’ of costing information previously provided in considering a similar request; we are of the understanding that it would reasonably cost a similar amount to extract the recordings for each of the other stations in your request. We therefore estimate the cost to obtain the information for all five stations would be a minimum of £2,250..

Taking this into account and based on advice provided to us by our experts, the cost of extracting this information for all five stations would be significantly higher than is permitted in handling just one request under the Freedom of Information Act.

Next Steps

It is difficult to provide advice on how your request may be narrowed, as even extraction of the announcements for one station would exceed the £450 appropriate limit.

While we cannot determine the outcome for any future request until it has been received and considered, we should also advise that, when we have been able to retrieve certain types of voice announcements (RA) for previous requests, the FOIA exemption of section 43(2), (prejudice to commercial interests) has applied and the information withheld. Some of the manual recordings held may also have been made by staff working for the relevant Operators (where they have access to these CIS systems), and not just Network Rail staff; therefore this exemption may still apply to the manual announcements. In this case, we also believe that section 40(2) (personal information) may apply, as some of the manual recordings held do include extracts made by members of the public, for whom there would be no reasonable expectation that we would disclose their personal data into the public domain.

It may be useful for you to know that we do already publish a small number of manual recorded announcements on our Transparency pages; these are accessible at the following link:

¹ https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

<https://www.networkrail.co.uk/who-we-are/transparency-and-ethics/transparency/datasets/>, please go to 'S', and category 'Station announcements'.

I am sorry we cannot assist with your request on this occasion. If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Emma Meadows
Information Officer

Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

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