



Department
for Transport

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000

Web Site: www.gov.uk/dft

Mr J Mellor

request-981447-95ec5463@whatdotheyknow.com

Date: 20 July 2023

Dear Mr Mellor,

Freedom of Information (FOI) Act Request reference number F0022323

I am replying to your request, received on 22 June 2023, for an internal review of our response to your FOI request. You had asked for information relating to the proposed Beam Park Station.

The Department's reply, sent on 14 June 2023, refused your request under section 12 of the FOI Act because it was estimated that the cost of complying would exceed £600 / 24hrs staff time. The reply further explained that, as Beam Park is a Greater London Authority (GLA) promoted and funded project, you may, therefore, wish to make an FOI request to GLA directly. Under our obligation to provide advice and assistance, you were advised to submit a more specific request, although you were not provided with options for which you could submit a revised request.

Your request for a review has been passed to me to deal with, as I had no involvement in the handling of your original FOI request. In reaching my decision I have carefully considered your points as to why your request should not have been refused, and have sought further information from the Rail Passenger Services team who made the decision to refuse your request. Information Commissioner's Office guidance on this exemption has also been considered.

Scope of the Review

The scope of my review will be to consider if the Department was correct to cite the procedural exemption at section 12 of the FOI Act – 'cost of compliance exceeds the appropriate limit' to refuse your request.

Findings

As noted above, I contacted the officials that handled your original request and asked them to explain how they came to their decision to refuse your request on cost grounds. They have re-stated that a record of the information you seek is not held centrally and they consulted with at least 5 different teams within the Department. Consequently, we would be unable to answer your request within the cost limit due to the volume of material involved.

I have determined that electronic searches were performed for key words such as Beam Park, new station, GLA, Havering, HIF, Levelling Up Fund, Rail Infrastructure and c2c. I have established that a search of principle policy officials' folders yielded a minimum 450 pieces of information that could potentially fall in scope of your request. This search does not take into account policy officials of other teams within the Department.

If we were to allow even 4 minutes to determine/review whether the information falls in scope and then to extract it, the time spent on those elements alone would equate to over 30 hours. This effort would comfortably exceed the appropriate limits of £600 / 24hrs staff time. I should point out that this is a conservative estimate and that the overall time taken review one piece of information may be higher.

Summary

On balance, for the reasons cited above, I have concluded that, in all the circumstances of the case, section 12 of the FOI Act was correctly applied and I uphold the Department's decision to refuse your request on cost grounds.

As noted above, we do have an obligation to provide advice and assistance pursuant to section 16 of the FOI Act. The Department did not provide suggestions to assist you in submitting a revised request and am sorry this was not the case. I have been advised that you may want to think about narrowing any future request to seek formal correspondence, between the Department, the GLA, Havering Council and also to the relevant Minister. You should also be aware that the Department is not the approver of Beam Park Station, merely a stakeholder. The GLA remain the owners of the business case so, as suggested in previous correspondence, you may find more value seeking information from the GLA.

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: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Yours sincerely

Information Management and Rights Team