

Mr Guido Smith

[By email: [request-486630-2f48cec9@whatdotheyknow.com](mailto:request-486630-2f48cec9@whatdotheyknow.com)]

Dear Mr Smith,

### Freedom of Information Act Request – F0016068

Thank you for your Freedom of Information (FOI) request of 22 May 2018. You requested the following information:

***Please can you provide information relating to Chester-le-Street Railway Station, and in particular the determination of the specified calling patterns in the Transpennine Express franchise bidding process***

We wrote to you on 20 June 2018 to advise that we required more time to complete the public interest test considerations in relation to your request. This process is now complete, and I enclose with this reply a copy of the correspondence that the Department for Transport (DfT) holds which is relevant to your request.

It might be helpful to explain that the starting point for the TransPennine Express (TPE) train service requirement was to maintain existing service levels, but consideration was given to a number of potential increments or decrements to those existing service levels. One option was to seek to accelerate longer-distance TPE journeys by reducing the number of calls at certain intermediate stations, including Chester-le-Street. This is discussed in the attached documentation, which shows the rationale for the final specification issued to bidders, which sought to protect the existing level of service at Chester-le-Street station.

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 A** 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.

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:

Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: FOI-Advice-Team-DFT@dft.gsi.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

Michael Evans  
**Senior Correspondence Manager- Passenger Services**

### **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

## Annex A

### 40 – Personal Information

Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

Any information to which a request for information relates is also exempt information if:

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied

The first condition is:

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene:

- (i) any of the data protection principles, or
- (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

The duty to confirm or deny:

- (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
- (b) does not arise in relation to other information if or to the extent that either:

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

In determining for the purposes of this section whether anything done before 24 October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

In this section:

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.