



Department  
for Transport

Mr Craig Welsh  
Correspondence Manager  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

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

Our Ref: F0014408

27 March 2017

Mr Frankie Roberto

by email: [request-382403-9078ccc8@whatdotheyknow.com](mailto:request-382403-9078ccc8@whatdotheyknow.com)

Dear Mr Roberto,

### **Freedom of Information Act Request – F0014408**

Thank you for your request for information which we received on 16 January 2017. You requested the following information:

***You ran a consultation called "Rail passenger services in London and the south east: a new approach" (<https://www.gov.uk/government/consultations/rail-passenger-services-in-london-and-the-south-east-a-new-approach>), ending 18 March 2016. So far, neither the consultation responses nor the Government's response has been published.***

***Please could you supply:***

- a) a copy of all the "public" responses to the consultations (i.e. ones from organisations who have consented to have their responses made public).***
- b) a summary or analysis of the responses, if this exists (e.g as a draft document or spreadsheet).***
- c) a count of the number of responses received.***

We wrote to you on 13 February 2017 and on 13 March 2017 to advise that your request has been considered under the Freedom of Information Act 2000, that the Department for Transport (DfT) does hold some information relevant to your request, and that we needed to extend the time to allow us to consult with those organisations who responded to the "Rail Passenger Services in London and the South East: A New Approach prospectus in order to establish their views about releasing the requested information. We also advised that we had to consider the public interest test as your request raises complex public interest considerations which must be analysed before we can come to a decision on releasing the information.

I am pleased to say that the both the consultation process and consideration of the public interest test have now been completed.

I will deal with each request in turn:

## ***A copy of all the “public” responses***

The following organisations have chosen to make their responses public,

- The Chartered Institute of Logistics and Transport
- Hertfordshire County Council
- London Councils
- Maidstone Council
- Rail Delivery Group
- Rail Freight group
- Rail Future
- Sevenoaks Rail Travellers Association
- Shepway District Council
- South East England Councils

The table in **Annex B** provides links to the responses of these organisations. The 83 remaining public responses are attached separately.

The Names and direct contact details of external stakeholders have been redacted from the attached information in reliance on the third party personal information exemption at section 40(2) 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 the first data protection principle of fairness. The names and identifiable information of the organisations has also been redacted under section 41(1), information provided in confidence, of the FOI Act. Both section 40(2) and 41(1) are absolute exemptions.

## ***A summary or analysis of the responses***

TfL included a summary of the responses in Appendix 8 of their Rail devolution business case. This can be found at: <http://content.tfl.gov.uk/rail-devolution-business-case-narrative.pdf>

## ***A count of the number of responses received***

I can confirm that the DfT received 198 responses.

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.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

**Mr Craig Welsh**

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

### Fol section 40: full text of exemption

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.

## Annex B

Stakeholder	Public response
West Sussex County Council	<a href="http://www2.westsussex.gov.uk/ds/edd/ht/ht22b_15-16.pdf">http://www2.westsussex.gov.uk/ds/edd/ht/ht22b_15-16.pdf</a>
South East England Councils	<a href="http://www.secouncils.gov.uk/wp-content/uploads/2016/03/SEEC-reposnse-to-rail-passanger-services-in-London-and-the-SE-consultation.pdf">http://www.secouncils.gov.uk/wp-content/uploads/2016/03/SEEC-reposnse-to-rail-passanger-services-in-London-and-the-SE-consultation.pdf</a>
Shepway District Council	<a href="http://www.shepway.gov.uk/moderngov/documents/s19057/rcabt20160317%20Southeast%20consultation%20report.pdf">http://www.shepway.gov.uk/moderngov/documents/s19057/rcabt20160317%20Southeast%20consultation%20report.pdf</a>
Rail Delivery Group	<a href="http://www.raildeliverygroup.com/about-us/publications/consultations.html?task=file.download&amp;id=764">http://www.raildeliverygroup.com/about-us/publications/consultations.html?task=file.download&amp;id=764</a>
Maidstone Borough Council	<a href="https://services.maidstone.gov.uk/meetings/documents/s47532/Response%20to%20consultation%20on%20A%20new%20approach%20to%20rail%20passenger%20services%20in%20London%20and%20the%20South%20East.pdf">https://services.maidstone.gov.uk/meetings/documents/s47532/Response%20to%20consultation%20on%20A%20new%20approach%20to%20rail%20passenger%20services%20in%20London%20and%20the%20South%20East.pdf</a>
Rail Future	<a href="http://www.railfuture.org.uk/Submissions">http://www.railfuture.org.uk/Submissions</a>
Hertfordshire County Council	<a href="https://cmis.hertfordshire.gov.uk/Hertfordshire/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=4LMVor1INPwuwP3ncvPrMrfM8fAKmrwi36QXMk5ORLvsdEGX5Xb1mw%3D%3D&amp;rUzwRPf%2BZ3zd4E7lkn8Lyw%3D%3D=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2FLUQzgA2uL5jNRG4jdQ%3D%3D&amp;mCTlbCubSFfXsDGW9lXnl%3D%3D=hFflUdN3100%3D&amp;kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFflUdN3100%3D&amp;uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJFf55vVA%3D&amp;FgPIIEJYlotS%2BYGoBi5olA%3D%3D=NHdURQburHA%3D&amp;d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3D&amp;WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&amp;WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3D">https://cmis.hertfordshire.gov.uk/Hertfordshire/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=4LMVor1INPwuwP3ncvPrMrfM8fAKmrwi36QXMk5ORLvsdEGX5Xb1mw%3D%3D&amp;rUzwRPf%2BZ3zd4E7lkn8Lyw%3D%3D=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2FLUQzgA2uL5jNRG4jdQ%3D%3D&amp;mCTlbCubSFfXsDGW9lXnl%3D%3D=hFflUdN3100%3D&amp;kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFflUdN3100%3D&amp;uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJFf55vVA%3D&amp;FgPIIEJYlotS%2BYGoBi5olA%3D%3D=NHdURQburHA%3D&amp;d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3D&amp;WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&amp;WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3D</a>
Sevenoaks Rail Travellers Association	<a href="https://srta.org.uk/wp/posts/1533">https://srta.org.uk/wp/posts/1533</a>
The Chartered Institute of Logistics and Transport	<a href="http://www.ciltuk.org.uk/Portals/0/Documents/Policy/2016/A%20NEW%20APPROACH%20TO%20RAIL%20PASSENGER%20SERVICES%20IN%20LONDON%20AND%20THE%20SOUTH%20EAST.pdf">http://www.ciltuk.org.uk/Portals/0/Documents/Policy/2016/A%20NEW%20APPROACH%20TO%20RAIL%20PASSENGER%20SERVICES%20IN%20LONDON%20AND%20THE%20SOUTH%20EAST.pdf</a>
Transport Focus	<a href="http://www.transportfocus.org.uk/research-publications/publications/2-transport-focus-responds-new-approach-providing-rail-services-london-south-east/">http://www.transportfocus.org.uk/research-publications/publications/2-transport-focus-responds-new-approach-providing-rail-services-london-south-east/</a>
London Councils	<a href="http://www.londoncouncils.gov.uk/node/29023">www.londoncouncils.gov.uk/node/29023</a>