



Department for Transport

Isabelle Ward
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000
Web site: www.gov.uk/dft

Mr Philip Ridley
By email

18th February 2019

Freedom of Information Act Request – F0016999

Dear Mr. Ridley,

I refer to your request dated the 23rd January 2019 made under the Freedom of Information Act 2000 for a copy of the Crossrail 2 report that contains the interim recommendations of the Independent Affordability Review chaired by Mike Gerrard.

I am writing to advise you that the Department for Transport does hold information that is relevant to your request, but regret to inform you of my decision not to disclose this information.

The information you requested is being withheld in reliance on the exemption at Section 22(1) of the Freedom of Information Act 2000 because this information is intended for future publication. The attached Annex A to this letter sets out the exemption in full.

In applying this qualified exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are:

Factors for disclosure

There is a clear public interest in Crossrail 2 and the Independent Affordability Review. The disclosure of the interim findings of the Review would contribute to the Government's wider transparency agenda.

Factors for withholding

The primary reason for withholding is that the content of the Review is incomplete. There is work to be done to ensure the evidence base of conclusions drawn is accurate and we intend to publish the Review in full once it is complete.

The Review is likely to have wide ranging impacts and the Department has a right to act in the public interest to prepare for these in advance. The premature publication of the Review may lead to inaccurate speculation about the Review's conclusions. For example, some elements explored by the Review could have an impact on individuals and businesses. The release of this information needs to be done in a

measured manner to minimise detriment and unfair advantage. It is important this information is only released when it is fully finalised.

It is an important principle that public authorities should be able to publish information in a manner, form and timing of their own choosing so that everyone gets to see the information at the same time. Due to its significance, it is right that the availability of the information contained in the Review should be managed by controlled publication.

Official's time would be better spent preparing for publication of the review as opposed to dealing with individual requests for it.

On balance the combined weight of all these factors is significant and outweigh the benefits of disclosing the interim findings of the Review at this time. The decision to withhold the Review until it is complete is fairer to all concerned and in line with accepted practise.

If you are unhappy with the way the Department 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 Department's FOI Advice Team:

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 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,
Isabelle Ward

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

Exemption in full
<p><i>22 Information intended for future publication.</i></p> <p>(1) Information is exempt information if—</p> <p>(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),</p> <p>(b) the information was already held with a view to such publication at the time when the request for information was made, and</p> <p>(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).</p>