



Department
for Transport

Mr Michael Evans
Senior Correspondence Manager
Department for Transport
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London
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Web Site: www.gov.uk/dft

Our Ref: F0016082

20 June 2018

Ganesh Sittampalam

[By email: request-487487-f04f80d7@whatdotheyknow.com]

Dear Ganesh Sittampalam,

Freedom of Information Act Request – F0016082

Thank you for your Freedom of Information (FOI) Act request of 25 May 2018. You requested the following information:

Please can I have a copy of all correspondence with GTR about the operation of the Delay Repay scheme?

We wrote to you on 3 June 2018 to seek clarification on the information you wished to receive. We asked whether you were requesting copies of correspondence between the Department for Transport (DfT) and Govia Thameslink Railway (GTR) which discuss how the Delay Repay scheme has operated since its implementation or whether you were requesting copies of correspondence between the DfT and GTR concerning the various commercial contracts and other operational-related documents which relate to the negotiations and implementation of the Delay Repay scheme prior to it starting.

You responded on 3 June 2018 indicating that you would like both.

We have estimated that the cost of complying with your request would exceed £600. Section 12 of the Act (the full text of which is attached at **Annex A**) does not require the DfT to comply with requests that exceed this limit, and we are therefore refusing your request.

We are unable to answer your request within the cost limit because we do not keep a central record of all of this information. The volume of material your request would be likely to cover is considered to be excessive. Additionally, this request would require consultation with a large number of staff. Each of them would need to carry out manual and electronic searches of their records in order to determine what, if any, recorded information they hold, then to locate, retrieve and extract it. This would exceed 24 hours staff time.

If you send us a new, more specific request, we will consider if that can be dealt with within the limit.

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 see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

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

Section 12 exemption:

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.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.