

Mr Peter Johns
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Network Rail
Freedom of Information
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15th November 2018

Dear Mr Johns,

Information request

Reference number: FOI2018/01407

Thank you for your email of 22nd October 2018. You requested the following information:

*Hertford Loop - Earthwork Examination - 5 Chain Summary Records:
Please may I see copies of the latest records for the down line (West) side between
7m 63ch and 7m 77ch.*

I have processed your request under the Environmental Information Regulations (EIR). These are a set of European regulations which, like the Freedom of Information Act 2000 (FOIA) in the UK, are intended to give people access to information held by public authorities like Network Rail¹.

I am pleased to confirm that we hold the information you requested. Please find enclosed three documents containing the most recent earthwork examinations for the area you have specified. These documents are titled:

Network_Rail_Examinations HDB 1_Redacted (Inspection 19th March 2013)
Network_Rail_Examinations HDB 2_Redacted (Inspection 3rd March 2016)
Network_Rail_Examinations HDB 3_Redacted (Inspection 20th March 2013)

¹ When people make requests for “environmental information” then this information is exempt under the FOIA but we need to look at it under the EIR. In this case, since the information you are looking for is about earthworks examinations or “the state of elements of the environment”, it meets the definition of environmental information at [regulation 2\(a\) of the EIR](#) – see link attached.

Please note that a small amount of information has been withheld from the documents disclosed in this response under regulation 13(1) of the EIRs. This exception allows us to withhold information in circumstances where its disclosure would breach the data protection principles set out at s.35 of the Data Protection Act 2018 and Article 5 of the General Data Protection Regulations.

In this instance, disclosure of personal details would breach the first principle which mandates that data must be processed fairly and lawfully. The individuals in question would have had no expectation that their personal information would be disseminated to the world at large through the EIR process. It would not be fair processing of their data to disregard these legitimate expectations. In adhering to this exemption, I have redacted the names of the individuals who have prepared the documents disclosed to you.

I hope the information and explanation I have provided are useful. Should you have any further queries in relation to your request please do not hesitate to contact me on the number provided above. Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Angela Charles
Information Officer

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Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at FOI@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

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