



Mr Peter Johns
By email: request-527809-3be50a99@whatdotheyknow.com

Network Rail
Freedom of Information
The Quadrant
Elder Gate
Milton Keynes
MK9 1EN

T 01908 782405
E FOI@networkrail.co.uk

7th December 2018

Dear Mr Johns,

Information request
Reference number: FOI2018/01550

Thank you for your email of 18th November 2018 where you highlighted some outstanding information you had requested but not received.

Your initial request was sent to ourselves on the 22nd October 2018 reference number FOI2018/01407, in which you requested the following information:

Please may I see copies of the latest records for the down line (West) side between 7m 63ch and 7m 77ch.

We responded to your request and provided you with 4 documents containing earthworks on 15th November 2018.

You then responded on the 18th November 2018 stating the following:

Network Rail has responded to my request for information by sending me the inspection reports for less than the full length of slope requested.

I requested the reports from 7m 63ch to 7m 77ch but there are no reports for the slope beyond 7m 70ch.

Please could you ask Network Rail for this information.

We responded on the 19th November 2018 confirming that we would take this as a new request (FOI2018/01550) and provide a response by 17th December 2018.

You then replied on the 19th November 2018 stating:

I was mistaken in saying that no slope examination records were given beyond 7m 70ch. There was a third record included extending to 7m 75ch but as I requested records to 7m 77ch there is still one set of records that are still awaited.

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 Rail. I can confirm that we hold the information you requested. Please see attached a final document with the information you require¹.

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 apologise that you were not provided with this information in your initial request and I hope you find the document attached is useful and completes your request. If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Angela Charles
Information Officer

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.

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can also be used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Please contact me if you wish to re-use the information and need to seek the permission of the copyright holder.

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

Web: www.networkrail.co.uk/foi