



Jon Hastie

By email: request-608063-097fad3e@whatdotheyknow.com

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24 October 2019

Dear Mr Hastie

Information request
Reference number: FOI2019/01074

Thank you for your email of 29 September 2019, in which you requested the following information:

- 1. Data showing measurements of platform heights and offsets on all platforms in the UK network, allowing measurements at specific platforms to be identified.*
- 2. Details of planned work involving platform reconstructions or adjustments that will affect platform heights and offsets. Specifically to include locations, deadlines for completion and schedules for work to begin*
- 3. Information regarding policy and procedures for providing assistance to disabled passengers at network rail managed stations, specifically Paddington, Euston, Reading and Waterloo. Specifically to include how assistance is to be provided when it has not been pre-booked, and which staff teams (i.e. platform staff, TOC staff and/or mobility assistance staff) at the station are allowed to operate ramps.*

I have processed your request under the terms of the Environmental Information Regulations 2004 (EIR)¹ and we believe that we probably do hold some information that meets your request. However, under regulation 12(4)(b) of the EIR, we are not obliged to disclose information if to do so would create too great a burden. That is the situation in this case, and I will explain the legislation and my reasons for reaching this conclusion below. I will also explain how you could consider revising your request to bring it within reasonable bounds.

¹ The EIR is a piece of European legislation which, like the Freedom of Information Act (FOIA) in the UK, provides a route of access to information held by public authorities. Where the information requested relates to measures affecting the environment then this information is exempt from disclosure under s.39 of the FOIA but public authorities are instead required to consider it under the EIR.

Regulation 12(4)(b) of the EIR

The first point to note in responding to your request is that there are some circumstances in which a public authority might refuse a request for information because the time spent complying with the request would be so great that it would create a 'disproportionate burden' of work for the organisation. The Information Commissioner recognises this and provides the following example:

*This position was confirmed, again in the Upper Tribunal case of *Craven v The Information Commissioner and the Department of Energy and Climate Change* [2012] UKUT442 (AAC).*

"Taking the position under the EIR first, it must be right that a public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) as "manifestly unreasonable", purely on the basis that the cost of compliance would be too great (assuming, of course, it is also satisfied that the public interest test favours maintaining the exception). The absence of any provision in the EIR equivalent to section 12 of FOIA makes such a conclusion inescapable." (paragraph 25)²

This is relevant to your request because you have asked for information potentially relating to more than 2500 stations across the national railway network. This information is not held within a central team, as our organisation operates on a devolved basis, with 14 different route 'businesses' across five different regions³. To answer your request we would therefore need to approach specialists for each route separately. They would then each need to locate and retrieve the information for their route, before reviewing it to determine whether it may be disclosed or whether an exemption might apply under the EIR. This involves each route specialist consulting a number of other people in their team.

I have spoken to an expert who works in our Capital Delivery team to understand better the amount of time that would be required to find and collate this information. They have advised that to be able to collate details of all Capital Delivery works that impact platforms for one route, they would first need to consult the senior sponsor for that route. In turn, this sponsor would need to consult members of their own team (eight people, at a conservative estimate). These eight people would then have to liaise with local route asset managers for track, and buildings and civils, to make sure all works within their particular

² <https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf> - Para 18

³ <https://www.networkrail.co.uk/running-the-railway/our-routes/>

area of responsibility were captured. To obtain details of all the Capital Delivery works planned across one route would therefore require involvement from approximately 11 people. There are 14 routes in total, so we estimate that obtaining details of all Capital Delivery works planned across the national network would mean consulting at least 150 people within Network Rail.

Once details of all Capital Delivery works had been obtained, these would then have to be carefully reviewed to identify which would be likely to have an effect on platform heights and offsets.

It should be noted that not only Capital Delivery works have the potential to affect platform measurements; routine maintenance work carried out on both track and platforms can also have an impact. To fully address your request we would also need to take into consideration these works. We would therefore need to additionally consult approximately 10 maintenance engineers on each of our 14 routes, giving a total of 140.

Combining these figures gives an overall figure of 290 Network Rail employees who would need to contribute to a response to this request. Even assuming each person involved spent half an hour working on this (which is a very conservative estimate) that would mean 145 hours would need to be spent in total to answer your request fully. This far exceeds the guideline of 18 hours that is considered to be a reasonable benchmark under the FOIA and EIR.

I therefore consider that Regulation 12(4)(b) applies to your request due to the large scope and the amount of information which is being sought, and the disproportionate burden that compliance with the request would place on Network Rail's resources.

The public interest test

Regulation 12(4)(d) can only be applied subject to a public interest test. I have considered the public interest factors for and against disclosure, and set out my findings below.

There is a presumption in favour of public authorities providing information in response to requests, to promote greater transparency and accountability. In this instance we understand there is a public interest in platform heights and offsets in relation to accessibility. However, providing information on works that could alter platform measurements at any given time would probably be of limited value, as these would only provide an indication of how the network might change in the future, subject to various factors. The existing platform measurements requested in question 1 would be likely to be

of higher value and I will discuss these under the heading 'Next steps – refining your request and published information'.

It is important to remember that Network Rail is funded by the taxpayer and it is in the public interest for us to use our resources efficiently. In the central FOI team, we work in conjunction with operational and technical colleagues who provide expert guidance on the nature and context of the information itself. Fulfilling your request would require involvement from a large number of these colleagues, which would divert them further from their normal duties, placing significant demand on our resources.

Having considered the arguments above, I have concluded that the strongest public interest lies in favour of ensuring that we are able to continue delivering public services without disruption. In consequence I have concluded that the reasons for maintaining the exception outweigh the public interest in complying with the request. This represents a formal refusal of your request under regulation 12(4)(b) of the EIR.

Next steps – refining your request and published information

To assist you with refining your request, I can advise that we do hold information centrally that answers question 1 (i.e. data showing measurements of platform heights and offsets for all platforms in the UK). If you would like to resubmit this question as a new request we can consider releasing this.

The above refusal of your current request is based on the time taken for a search of planned works across the national network. Looking at the figures for one route, it looks likely that this would still take more than 18 hours to process. If you were to specify a few stations on one route that you were particularly interested in regarding planned works, this might help to reduce the amount of time to a reasonable figure; however, please note that our security team has advised me that details of planned works are likely to be exempt from disclosure.

To help you with question 3, you may be interested in some of the material published on our website. Our current policy for providing assistance to disabled passengers at the stations we manage is available via: <https://www.networkrail.co.uk/who-we-are/diversity-and-inclusion/access-and-inclusion/inclusive-design/disabled-peoples-access-policy/>

We are currently developing a new Accessible Travel Policy (ATP), to be published in spring 2020. This follows publication of the Office of Rail and Road's (ORR's) guidance for operators in July 2019, which is available on the ORR website at: <https://orr.gov.uk/rail/consumers/what-we-do-for-consumers/improving-assisted-travel>

I hope this helps to explain. 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

Angharad Morgan
Information Officer

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