



Samantha Leighton  
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16<sup>th</sup> July 2018

Dear Ms Leighton

**Information request**

**Reference number:** FOI2018/00767

Thank you for your email of 17<sup>th</sup> June 2018, in which you requested the following information:

*I should like to request the following information. I should prefer to receive these in electronic format at this email address.*

*If for any reason you feel this request is unclear, please do not hesitate to contact me via email.*

1. *The Network Rail Board's conflict of interest register*
2. *Terms of Reference of the Thameslink 2018 Industry Readiness Board*
3. *A list of members of the Thameslink 2018 Industry Readiness Board (organisations, and the job titles of individuals)*
4. *The attendance record of each member of the Thameslink 2018 Industry Readiness Board*
5. *Agendas from the Thameslink 2018 Industry Readiness Board for its meetings from January 2017 to present*
6. *Minutes from the Thameslink 2018 Industry Readiness Board for its meetings from January 2017 to present*

7. *Papers from the Thameslink 2018 Industry Readiness Board for its meetings from January 2017 to present*
8. *Any papers that Network Rail submitted to the Thameslink 2018 Industry Readiness Board for its meetings from January 2017 to present*
9. *Network Rail's internal memos covering pre-meeting and post-meeting input/outcomes from the Thameslink 2018 Industry Readiness Board for its meetings from January 2017 to present*
10. *Copies of the four weekly reports submitted from the Thameslink Independent Assurance Panel, chaired by Chris Green, to the Thameslink 2018 Industry Readiness Board from January 2017 to present*
11. *The terms of reference/remit of the Thameslink Independent Assurance Panel, chaired by Chris Green*

*I understand that the names/personal information of junior staff may be redacted, as might commercially and operationally sensitive information.*

*In considering the extent of your redactions and compliance with this request, I would appreciate it if you consider a) that commercially and operationally sensitive information may become less sensitive over time; b) the level of public interest in this information given the serious and ongoing disruption that has arisen from the introduction of the May 2018 timetable.*

*As you will be aware, the public interest test should be applied to non-absolute exemptions, and that the s(2) 43 exemption regarding commercial interests is one to which public interest test must be applied.*

I have processed your request under the Environmental Information Regulations 2004 (EIR) as the information requested is environmental according to the definition in regulation 2(c) of the EIR. Please note section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA, but requires us to consider it under the EIR).

### **Regulation 12(4)(c)**

EIR regulation 5(1) states that a public authority has a duty to make available environmental information on request, however, regulation 12(4)(c) provides an exception to that duty where the request is too general and the authority has complied with its duty to provide advice and assistance under regulation 9.

I am sorry to revert back to you at this stage but I have reviewed your request and made initial enquiries with experts within Network Rail, but we are struggling to identify the information you require for question nine from the details you have provided. I am therefore refusing this request as too general under regulation 12(4)(c) of the EIR<sup>1</sup>

### **Regulation 9(1) – Advice and assistance**

Under regulation 9(1) of the EIRs we have a responsibility to provide advice and assistance to all requestors so far as it is reasonable for us to do so. In this instance perhaps the most useful advice is an explanation of our reasons for believing that your request is too general for us to process and suggestions as to what steps you could take to clarify it:

My difficulty is that I am unclear as to the specific documents you are seeking for question nine. To explain further, since January 2017 there have been 18 meetings, and whilst there are 14 Network Rail Industry Readiness Board members, many more people are involved in producing information for the meeting. It is difficult for us to quantify how many emails or memos would have been generated as these are not held centrally. We are not sure of the scope of your request since checking all of the memos (whether they be in the form of emails or other correspondence) that everyone involved might have written or received on the subject becomes a very large task. We always look to avoid refusing requests on cost grounds wherever possible and with this in mind we hoped you might be able to provide some more definition as to the extent of your request.

For instance, would it be acceptable to limit it to memos written or received only by the 14 Network Rail Industry Readiness Board members? Any guidance you can provide that would help us better understand the limits of this part of your request would be helpful.

In the course of working on your request, I understand from colleagues that the inputs are collated into the final pack for the boards; all of the outputs are recorded in the minutes of the next one. To the extent that this information is not already captured by the remainder of your request, would you be content for us to look at question nine as a request for the inputs used for the board packs and the outputs recorded in the board minutes?

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<sup>1</sup> Whilst regulation 12(4)(c) obliges public authorities to carry out a public interest test, the Information Commissioner's Office acknowledges that "Generally, if an authority is unsure about the meaning of a request, it is highly likely that the public interest in maintaining the regulation 12(4)(c) exception will outweigh the public interest in disclosing what could easily be the wrong information". This is the case in this instance where we think it would be inappropriate to use public resources searching for and compiling information when we are unsure what information you are seeking.

In accordance with the EIRs the 20 working days we have to respond to a reformulated request will commence when we receive your clarification. I look forward to hearing from you.

If you have any enquiries about this response, please contact me in the first instance at [FOI@networkrail.co.uk](mailto:FOI@networkrail.co.uk) or on 01908 782405. Details of your appeal rights are below.

Yours sincerely

Anisha Pandya  
Senior 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 FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at [foi@networkrail.co.uk](mailto: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

