



**Department
for Transport**

Information Rights & Records Unit
Zone D/01
Ashdown House
Sedlescombe Rd North
St Leonards on Sea
East Sussex
TN37 7GA

REF F0009460

Web Site: www.gov.uk/dft

10 December 2012

Dear Mr Thornton

REQUEST FOR INFORMATION: FREEDOM OF INFORMATION (FOI) ACT 2000 – Ref: F0009460

Thank you for your email dated 12 November 2012, which included the following requests (for ease of reference I have numbered your two questions):

“Q1: Please send me the policy document setting out the criteria that determines which responses are selected for publication on your website.

Q2: Please also provide a copy of all the information released by the DfT during August, September and October 2012, that was requested under the terms of the FOIA or the EIRs and that has not been published in the DfT website database at this URL:

<http://www.dft.gov.uk/foi/>.”

As regards Q1, please find attached the relevant guidance and procedure for publishing responses on our website. Please note, although this is our current guidance as published on our staff intranet site, it is in the process of being amended to ensure that all responses that are in the wider public interest are published on the GOV.UK website.

As regards Q2, I must inform you that I cannot comply with the instructions in your email as these do not constitute a valid request for information. Your Q2 is not a proper request for information within the meaning of section 8(1)(c) of the Freedom of Information Act 2000. This is because you have not described the information requested. You refer to “all the information released by the DfT...” but do not describe the information you are interested in.

If you wish, you may submit a valid request by describing the information you seek. You may find it helpful to consult the Information Commissioner’s guidelines before doing so. These may be read here:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/its_public_information_foi%20charter_final.pdf

http://www.ico.gov.uk/for_the_public/official_information/how_access.aspx

Broadly speaking, however, it will satisfy the conditions of section 8(1)(c) if you can state the subject matter in clear terms and can relate it to a definite context such as a particular policy or region or a notable event or initiative.

You might, for example, ask for information about grant funding paid to mobility centres, the proposed Intercity Express carriages layout, or legal advice expenditure. If your request arises from a news report, a reference to the report could help us to identify relevant information.

I have also considered your request in the context of the Environmental Information Regulations. The requirements of the Regulations are different to those of the Freedom of Information Act. However by virtue of Regulation 12(4)(c) of the Environmental Information Regulations, a public authority is not obliged to comply with a request for environmental information if the request is formulated in too general a manner provided that the public authority has given advice and assistance to the applicant. Q2 of your email of 12 November does not amount to a description of the information required. To the extent that Q2 can be interpreted as a request for environmental information, it is formulated in too general a manner and the exception is engaged. The advice and assistance provided above satisfy the requirements of paragraph 9(2) of the Regulations and should enable you to reformulate your request should you wish to do so.

If you are unhappy with the way the Department 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 Department's Information Rights Unit at:

Zone D/01
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-Dxx@xxx.xxx.xxx.xx

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. You should quote the reference number above in any future communications.

Yours sincerely

C Taylor

Your right to complain to the 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