

Our Ref: IR 14/21 Internal Review of FOI 119/21

Address Correspondence to: Jane Orange, Information Governance

Date: 1<sup>st</sup> October 2021

Dear Mr Cole

### **Request Under Freedom of Information Act 2000 Internal Review**

I am writing to you in relation to your recent and previous correspondence under the Freedom of Information Act 2000. In particular this letter is in relation to your request for an Internal Review to be conducted by the Canal & River Trust in relation to your initial request response.

I am employed by the Canal & River Trust as an Information Governance Advisor, and I have been asked to provide an independent review of the response provided to your initial request for information, which you submitted on 22/07/2021.

In the process of undertaking this review, I can confirm I have given consideration to:

- Your initial request, received 22/07/2021;
- The original Canal & River Trust response, provided to you on 12/08/2021 by Joshua Fellows, Information Governance Administrator; *and*
- Your reply to that response, which we received on 16/08/2021.

I have initially reviewed your request for validity under the provisions of the Freedom of Information Act 2000. I can confirm that I am satisfied that your request is valid under Section 8 of the FOIA and therefore requires considering as a valid request by the Canal & River Trust.

As a valid request under the FOIA, the Canal & River Trust is required to ascertain whether the requested information is within scope of the Trust's FOIA obligations; what, if any, information is held which is relevant to your request; whether confirming or denying the holding of information is in itself harmful; and whether there are any exemptions to disclosure which are potentially engaged. If there is potential engagement of any exemptions on disclosure, then consideration of any applicable harm and/or public

interest test may be required to be undertaken. All of the above areas have been considered as part of my review into this case and your response to these points.

### Outcome of Review

My view is that your request falls outside of the scope of the Canal & River Trust's FOIA obligations due to KPI's forming part of our wider charitable objects and reporting obligations to DEFRA under the Grant Agreement, rather than relating to any statutory function transferred from British Waterways under the 2012 Order.

However, we are happy to confirm a list of KPIs, definition and sources which is summarised in the table enclosed with this response. I can confirm that the KPIs are a rolling total for the financial year.

In terms of the 3<sup>rd</sup> element of your request, information relating to changes in KPIs is included in published Board minutes at the time of the individual change being made. We do not have reports summarising these changes over the years.

If you have a further query in relation to a particular KPI, we would be happy to consider this separately.

Finally, I apologise for the delay in responding to your request for an internal review, although I have kept you updated on our progress in this respect.

If you are still dissatisfied, you have the right to direct your comments to the Information Commissioner, details on how to contact can be found here: <https://ico.org.uk/global/contact-us/>, who will give it consideration.

Yours Faithfully

*Jane Orange*

Information Governance Advisor

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