



Network Rail
Freedom of Information
The Quadrant
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E FOI@networkrail.co.uk

John Ruddy

By email: request-417879-106499f2@whatdotheyknow.com

10th August 2017

Dear Mr Ruddy

Information request

Reference number: FOI2017/00842

Thank you for writing to us on 12th July 2017. You requested the following information:

Please supply details of any correspondence, meetings, plans and consultations regarding the upgrade of the Railway line to Aberdeen between Usan and Montrose following the First Minister's announcement of Scottish Government funding for this project as part of the Aberdeen City Deal on 28th January 2016.

I am dealing with your request under the Environmental Information Regulations 2004 (EIRs) (this is because the information requested is environmental according to the definition in regulation 2 of the EIRs). Section 39 of the Freedom of Information Act exempts requests for environmental information from the Act, but we are then required to consider the requests in line with our obligations under the EIRs.

Regulation 7(1) – volume and complexity

Under regulation 7(1) of the EIRs a public authority may

‘extend the period of 20 working days ... to 40 working days if it reasonably believes that the complexity and volume of the information requested means that it is impracticable either to comply with the request within the earlier period or to make a decision to refuse to do so.’

The Information Commissioner's guidance makes it clear that a public authority should apply this section of the EIRs when 'it reasonably believes it will require additional time to locate and provide the information because the requester has asked for a large amount of complex information and it would not be practical to

provide the information or make a decision about whether to refuse the request within 20 working days.'

For further guidance as to the application of the EIRs, you may wish to consult the Information Commissioner's website at:

https://ico.org.uk/media/for-organisations/documents/1641/guide_to_environmental_information_regulations.pdf

In this instance it is necessary to extend the time in line with the provisions of regulation 7(1) due to the number of emails within scope of your request. Accordingly, I will now aim to respond to you as soon as possible and by 8th September 2017 at the latest.

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

Anisha Pandya
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 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. 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