



Department
for Transport

Department for Transport
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Web Site: www.gov.uk/dft

Our Ref: F0017858

Graeme Amis
[By email: request-591515-
a16a3d1a@whatdotheyknow.com]

09 October 2019

Dear Graeme Amis,

Freedom of Information Act Request - F0017858

Thank you for your request for information dated the 20 September 2019 concerning your previous FOI request (case ref: F0017724) about gift and hospitality registers for the National College for High Speed Rail. Your request has been considered under the Freedom of Information (FOI) 2000 Act ("the Act").

In your email you asked for the following information:

'1. When the DfT first started searching for the information 2. When the DfT discovered it did not hold the information 3. The reason why it took so long to answer this request 4. Why the DfT expected it would take so long to answer this request 5. ALL correspondence related to this request 6. Any policy advice, memos etc which reflects or describes an internal policy to delay the answers to FOIs.'

Points 1-4 will be addressed in the Department's response to your request for an internal review of case F0017724. Points 5 and 6 are being dealt with as a new FOI request under case reference number F0017858.

In response to point 5, please find all correspondence related to your request at **Annex A**. Previous FOIs that are referenced in the correspondence are included at **Annex B** and **Annex C**. Further correspondence generated by yourself or sent to you via the public FOI website 'What do They Know.com' has been excluded as we have only included correspondence that you have not previously seen.

The names of some junior DfT officials, that is members of staff below the senior civil service, and some direct contact details have been withheld in reliance on the third party personal information exemption at section 40(2)&(3A)(a) of the FOI Act (see Annex A). These individuals are not in public facing roles and therefore have a reasonable expectation that their names and direct contact details will not be placed into the public domain. To do so would be unfair and would contravene current Data Protection legislation.

In response to point 6, this is information not held by the Department because we do not have an internal policy to delay the answers to FOIs.

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 FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely,

High Speed and Major Rail Projects Group

Your right to complain to 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

Annex A – Extract – Section 40 Personal Information Exemption.

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

(a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or

(b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.