



Department
for Transport

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Web Site: www.gov.uk/dft

Our Ref: **F0020203**

20th September 2021

Andy Soames
request-786443-c5fe3b3e@whatdotheyknow.com

Dear Andy,

Freedom of Information Act request, F0020203.

Thank you for your information request dated 31st August 2021 relating to (a) the confidentiality of Latest Earnings Networked Nationally Overnight (LENNON) data, and (b) Train operating companies (TOCs) manual count and recent Automatic Passenger Count (APC) data held by the Department.

(a) Information held within LENNON is owned by train operating companies, who are responsible for making decisions on whether to release their information and on what basis. Access to this information is provided to the Department in confidence and is therefore subject to absolute exemption from disclosure under section 41 of the Freedom of Information Act 2000. The attached Annex A to this letter sets out section 41 of the Freedom of Information Act 2000 in full.

While government has increased the financial support it provides to train operators, these companies nonetheless continue to operate within a commercially competitive environment, for example with other transport sectors, and the basis on which DfT is given access to LENNON data remains unchanged.

The Office of Rail and Road publish annual information on subsidies provided by government to train operating companies, which can be found using the link below. This includes a table with information on government subsidy per passenger kilometre by operator:

<https://dataportal.orr.gov.uk/statistics/finance/rail-industry-finance>

The next publication, which will include information covering the 2020-21 financial year, is due to be published by the ORR in November 2021.

(b) Following a thorough search of our paper and electronic records, I have established that we do hold some limited APC data for Spring 2021. Access to this information is provided to the Department in confidence and is therefore subject to absolute exemption from disclosure under section 41 of the Freedom of Information Act 2000. The attached Annex A to this letter sets out section 41 of the Freedom of Information Act 2000 in full.

The Department usually collects manual and APC data for specific periods twice a year, once in spring and once in autumn. This year, we have not received any manual counts data owing to a reduced ask of TOCs because of Coronavirus. Our next data collection period is end September to mid-December.

The department published a rail passenger numbers publication for 2019 in the following link:
<https://www.gov.uk/government/statistics/rail-passenger-numbers-and-crowding-on-weekdays-in-major-cities-in-england-and-wales-2019>.

The next publication, containing Autumn 2020 data is due to be released at the end of October.

The Rail Delivery Group (RDG) may be able to provide some of the information you have requested. RDG can be contacted at info@raildeliverygroup.com. ORR statistics on passenger rail usage by region and TOCs are available at the following link:

<https://dataportal.orr.gov.uk/>

Appeals procedure

If you are dissatisfied with the way we have responded to or handled your request, you have the right to ask for an internal review. These should be submitted within two calendar months of the date of this letter and addressed to the FOI Advice Team at FOI-Advice-Team-DFT@dft.gov.uk.

Please remember to quote the reference number above in any future communications.

If you ask for an internal review and are still not content with the outcome, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted via their online form: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Yours sincerely,



Aydin Sandalli
Rail Statistics, Research and Evaluation, Department for Transport
rail.stats@dft.gov.uk

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

Exemption 41 in full

Information provided in confidence

(1) Information is exempt information if:

- (a) it was obtained by the public authority from any other person (including another public authority), and
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.