



Department for Transport

Mr Kieran Fitzgerald
[By email: request-639946-fa1c4d56@whatdotheyknow.com]

Mr Joe Ingle
Senior Correspondence Manager
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Web Site: www.gov.uk/dft

Our Ref: F0018228

26 February 2020

Dear Mr Fitzgerald,

Freedom of Information Act Request – F0018228

Thank you for your Freedom of Information (FOI) request of 29 January 2020 in which you asked for the following information:

'I would like to know if there is an official number for the amount of penalty fares that have been given for the most recent 12 month period and also if there are any estimates that exist around railway fare evasion and what proportion/how many journeys are thought to have been made without a ticket.'

The FOI Act obliges us to respond to requests promptly, in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information, the public interest test needs to be fully considered. We are not required to comply with your request until such time as is reasonable in the circumstances.

In your case we need to extend our response time limit by a further eight working days in order to complete the public interest test considerations for withholding the information or disclosing it. The exemption that is of potential application to the information you have requested is section 43(2)-(Commercial Interests) of the FOI Act (for the full text of the exemption see **Annex A**). Therefore, we plan to let you have a response by 9 March 2020. We hope there is no further need to extend the deadline, however if there is a need to do so, we will keep you informed.

If you are unhappy with the way the DfT 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 DfT'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

Joe Ingle
Senior Correspondence Manager – Passenger Service

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

Section 43(2)– Prejudice to Commercial Interests

(1) Information is exempt information if it constitutes a trade secret.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).