



The Secretary of Sevenoaks Rail Travellers Association
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Network Rail
Freedom of Information
The Quadrant
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21st December 2016

Dear Secretary

Information request

Reference number: FOI2016/01294 & FOI2016/1300

Thank you for your request on 23rd November 2016. You requested the following information:

Please supply the following information held by Network Rail concerning the London Charing Cross to Tunbridge Wells train service scheduled to depart Charing Cross at 1530 on Thursday 20 October 2016 ("this train service" in the rest of this request). (Note: we believe but cannot be certain that the train identifiers might be "2H42", "882H42MR20" and/or "W47657").

- (1) Data held on the TRUST system about the operation of this train service, plus relevant information to allow this data to be interpreted.*
- (2) Data held on the PALADIN system about this train service, plus relevant information to allow this data to be interpreted.*
- (3) Data held on the PEARS system about this train service, plus relevant information to allow this data to be interpreted.*
- (4) The times that this train service on this day was scheduled to pass each monitoring point, and the times that it did actually pass each monitoring point.*
- (5) The stations at which this train service was scheduled to stop, and the stations at which it did actually stop, and at what times.*
- (6) What if any variation requests were received to change the intermediate stopping points for this train service, and contents of any such requests.*
- (7) What if any "fail to stop" reports concerning this train service were received by Network Rail or were generated internally by Network Rail, the contents of any such requests, and when these were recorded on the TRUST database and on other Network Rail systems.*
- (8) What if any other notifications were received concerning the stops made or not made by this train service, the content of any such notifications and when these were recorded on the TRUST database and on other Network Rail systems.*

- (9) Whether this train service was regarded as a Public Performance Measure “success” or “failure” for the purposes of the “real time” PPM data feed, and if a failure for what reason or reasons was it regarded as a failure, and to which party the failure was attributed.
- (10) Whether this train service was regarded as a Public Performance Measure “success” or “failure” in the Period 8 PPM data published on the Network Rail website at <http://www.networkrail.co.uk/about/performance/>, and if a failure for what reason or reasons was it regarded as a failure, and to which party the failure was attributed.
- (11) All correspondence, including emails, held by Network Rail concerning the scheduled and actual timing, the scheduled and actual stops made by this train service, and the attribution of any performance shortfall.
- (12) Any other information held by Network Rail concerning the actual running of this train service and its actual stopping pattern.

You then wrote to us again on 25th November 2016, requesting the following information:

Please supply the following information held by Network Rail concerning the Tunbridge Wells to London Charing Cross train service scheduled to depart Tunbridge Wells at 0720 on 5 September 2016 (“this train service” in the rest of this request). (Note: we believe, but cannot be certain, that the train identifiers might be “2H62”, “892H62MA05” and/or W47671).

- (1) Data held on the TRUST system about the operation of this train service, plus relevant information to allow this data to be interpreted.
- (2) Data held on the PALADIN system about this train service, plus relevant information to allow this data to be interpreted.
- (3) Data held on the PEARS system about this train service, plus relevant information to allow this data to be interpreted.
- (4) The times that this train service on this day was scheduled to pass each monitoring point, and the times that it did actually pass each monitoring point.
- (5) The stations at which this train service was scheduled to stop, and the stations at which it did actually stop, and at what times.
- (6) What if any variation requests were received to change the intermediate stopping points for this train service, and contents of any such requests.
- (7) What if any “fail to stop” reports concerning this train service were received by Network Rail or were generated internally by Network Rail, the contents of any such requests, and when these were recorded on the TRUST database and on other Network Rail systems.
- (8) What if any other notifications were received concerning the stops made or not made by this train service, the content of any such notifications and when these were recorded on the TRUST database and on other Network Rail systems.
- (9) Whether this train service was regarded as a Public Performance Measure “success” or “failure” for the purposes of the “real time” PPM data feed, and if a failure for what reason or reasons was it regarded as a failure, and to which party the failure was attributed.
- (10) Whether this train service was regarded as a Public Performance Measure “success” or “failure” in the Period 6 PPM data published on the Network Rail website at <http://www.networkrail.co.uk/about/perfo...>, and if a failure for what reason or reasons was it regarded as a failure, and to which party the failure was attributed.
- (11) All correspondence, including emails, held by Network Rail concerning the scheduled and actual timing, the scheduled and actual stops made by this train service, and the attribution of any performance shortfall.
- (12) Any other information held by Network Rail concerning the actual running of this train service and its actual stopping pattern.
- Please supply the requested information with any necessary additional explanation of any codes or abbreviations used, for instance in computer records.

I have processed your request under the terms of the Freedom of Information Act 2000.

Section 17 of the FOIA – written notice of refusal

This letter constitutes a refusal notice under section 17 of the Freedom of Information Act 2000 (FOIA).

Section 14(1) of the FOIA – where the request is vexatious

Under section 14(1) of the FOIA, public authorities do not have to comply with vexatious requests. Whilst the term ‘vexatious’ has a range of meanings, the Information Commissioner’s Office’s (ICO) guidance explains that, in the context of the FOIA it applies to *‘a variety of circumstances where a request, or its impact on a public authority, cannot be justified’*¹

Although “vexatious” has an everyday meaning of “causing or intending to cause annoyance, frustration or worry”, it must be stressed that it has a slightly different meaning under FOIA.

In FOIA, the word is used to refer to the request, not to the requester, and the Information Commissioner’s Office guidance for this exemption states that sometimes “the effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester”.

In this instance our difficulty is one of proportionality, essentially complying with your request would absorb a disproportionate amount of our resources given that you have asked for a large volume of information which relates to only one train service without, on an objective view, any apparent wider benefits. We cannot conceive of complying with the request within the time/cost threshold of the FOIA, and furthermore, any information we provided would need to be accompanied by a narrative document which would amount to our creating new information. Additionally it would involve a series of speculative searches for information which we are confident does not exist (searching archived emails for reference to this service).

This would constitute a disproportionate burden on the organisation in terms of the strain on time and resources. It is likely to cause a disproportionate or unjustified level of disruption.

I would like to assure you that I reviewed the request objectively by judging the evidence of the impact on the business and weighing this against any evidence about the purpose and value of the request.

It is my decision that on this occasion, we are not obliged to comply with your request for information on the grounds that it is vexatious.

This is based upon the formal guidance issued by the Information Commissioners Office (ICO). You may be interested in the ICO guidance regarding ‘vexatious requests’, which is available at the following link: <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>.

If, for any reason, we have overlooked some underlying public interest in disclosure of some or all of the information, we would be happy to consider any representations you might wish to make.

Section 16 of the FOIA – advice and assistance

¹ See <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf> for more information.

Under section 16 of the FOIA we have a responsibility to provide advice and assistance to requestors so far as it is reasonable for us to do so. With that in mind, we may be able to provide some information relating to Public Performance Measure (PPM) or which stations the service stopped at.

You may also be interested to know that websites such as www.recenttimetrains.co.uk provide information about how specific trains such as the 15:30 from London Charing Cross to Tunbridge Wells have been running in recent weeks. It shows the actual arrival and departure times.

If you have any enquiries about this response or wish to discuss how to make a request of reduced scope, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

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

Please remember to quote the reference number at the top of this letter in all future communications.