



Department
for Transport

Department for Transport
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Owen Temple

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request-750026-9477e21b@whatdotheyknow.com

Our Ref: F0019714

14 May 2021

Dear Mr Temple,

Freedom of Information Act request – F0019714.

Thank you for your information request dated 23 April 2021. You requested information in connection with securing and implementing a feasibility study of the restoration of the railway link between Consett and the conurbation(s) close to the River Tyne.

The Department holds information that is relevant to your request, but it is exempt from disclosure.

The exemption that applies is section 43(2) of the Freedom of Information Act 2000 due to its commercial sensitivity. Section 43(2) is a qualified exemption and is therefore subject to a public interest test. This requires us to balance the public interest arguments for disclosing the information, against those for withholding it. Having now carried out this test, we have concluded that there are stronger arguments for withholding the information, so the information you have requested will not be disclosed. The attached annex to this letter sets out the exemption in full and details why on balance the public interest test favours withholding the information.

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,
Ben Newsham
Restoring Your Railway

Annex A

Exemption in full – Section 43(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).

Public interest test factors for disclosure

Disclosure would contribute to the Department's wider transparency agenda.

The information would be of interest to people living in the areas affected by the proposals.

Public interest test factors against disclosure

If third party sensitive technical, financial and operational details provided as part of the Restoring Your Railway funding process were routinely disclosed organisations would be reluctant to share information with the Department that they were not required to or would be reluctant to enter in to contract with government. This would be likely to prejudice the Department's commercial interests and ultimately reduce the level of innovation and impact the quality of outcomes the Restoring your Railway programme is able to deliver.

The disclosure of this information would not be consistent with the treatment of other DfT funding streams which are not published due to their commercial sensitivity.

Decision

On balance the public interest in withholding the information outweighs the public interest in disclosure.