

Owen Temple

Web Site: [www.gov.uk/dft](http://www.gov.uk/dft)

request-750026-9477e21b@whatdotheyknow.com

Our Ref: F0019714

30 June 2021

Dear Mr Temple

### **Freedom of Information Act Request – F0019714**

Thank you for your original information request dated 23 April 2021 and subsequent correspondence.

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 originally withheld all the information in reliance on the commercial interests exemption at s43(2) of the FOI Act. You challenged this decision and asked us to separate and release any information that is not commercially sensitive.

As explained in my email of 3 June we identified further information in scope for your request, but we needed to consult the relevant third party. I advised that we planned to let you have a response by 21 June. Please accept my apologies for the slight delay. Having now carried out that consultation I have determined that the further information is exempt from disclosure.

The exemption that applies is section 41(1) of the Freedom of Information Act 2000 because the information was provided to the department in strict confidence. The information is not trivial nor is it already in the public domain. Disclosure would lead to an actionable breach of confidence i.e. the confider would be able to take some form of legal action against the Department and stand a reasonable chance of winning.

As section 41(1) is an absolute exemption, there is no requirement to carry out a public interest test.

I appreciate this will be disappointing news and if you remain dissatisfied we will of course carry out an independent internal review of the decisions made in your case. In my email to you of the 3 June I also invited you to narrow your request. If you still wish to do so we will consider it as a fresh request.

Yours sincerely,

Ben Newsham  
**Restoring Your Railway Team**