

Ms. Norma Barrow

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Our Ref: F0020201

DATE 6<sup>th</sup> September 2021

Dear Ms. Barrow,

### **Freedom of Information Act Request**

Thank you for your information request dated 19<sup>th</sup> August 2021.

You asked a number of questions regarding ongoing policy development work connected with section 19, Road Safety Act 2006.

The Department holds information that is relevant to your request, but the information that falls within scope of question four is exempt from disclosure for the following reasons.

The exemption that applies is section 35(1)(a) of the Freedom of Information Act 2000 because the information relates to the formulation and development of 'live' Government policy.

Section 35(1)(a) 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.

There is always a public interest in transparency, accountability and enabling informed public participation in the issues of the day. However, this must be balanced against the need for policy makers and stakeholders to be able to discuss developing policies openly and frankly, and the need to avoid confusion by having incomplete, undeveloped, and unfinished policies wrongly thought of as agreed. The policy has not been finalised and is still undergoing development, making the need for full and frank negotiation imperative. Ministers and officials need a safe space in which to formulate and develop 'live' policy on these issues without fear of premature disclosure. Officials would be reluctant to provide advice and their views if they felt that these would be routinely placed into the public domain. This would inhibit the policy making process.

Having now carried out the public interest test, we have concluded that on balance there are stronger arguments for withholding the information. However, I consider that it is appropriate to answer your remaining questions as they will not impact significantly on policy making.

As your request was in the form of a series of questions, I have answered them in the same format below.

1. *Is there any plan to deliver a new public consultation?*

Yes, work is under way to deliver a public consultation this year, once proposed legislation and policy has been finalised and approved by Ministers.

2. *Will there be a new public consultation prior to the Section being enacted?*

There will be one consultation as at (1) above.

3. *Have you had any stakeholder engagement meetings in the last 18months?*

Due to the Covid pandemic there have been no face-to-face meetings. Stakeholder engagement has been continuous and ongoing, but usually by telephone or virtual meetings.

4. *If yes to the above, can you provide minutes of these meetings.*

Stakeholder meetings held for policy development reasons are exempt from disclosure by virtue of section 35(1)(a) Freedom of Information Act 2000 as stated above.

## **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](mailto: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,

**Mark Perry**

**National Roads Policing Support Team  
Department for Transport**