



Mr Simon R Frankson

By email: request-500903-70ec721f@whatdotheyknow.com

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23 October 2018

Dear Mr Frankson

Sectional appendix from 2009 to date

Internal Review reference number: FOI2018/01285

Original request reference number: FOI2018/00975

I am writing in response to your e-mail of 27 September 2018, which requested an internal review of the handling of your request for information made on 23 July 2018. This response will discuss your original request below, and will also provide advice to assist you in making a narrowed request.

Request history

Your request of 23 July 2018 was as follows:

'Freedom of Information request - Sectional Appendix and Rules of the Plan

Can you please supply me with nationwide sectional appendix and rules of the plan from 2009?'

Network Rail acknowledged your request on 24 July 2018 and responded on 21 August 2018. The response disclosed the Train Planning Rules (previously called Rules of the Plan) that were held by Network Rail for the period from 2009; Network Rail asked you to provide a postal address so that it could provide the Train Planning Rules on CD, as the files were too large to be sent by email

The response also provided a link to the current version of the Sectional Appendix on the Network Rail website.

You replied on 27 September 2018 from your private email address and provided a postal address. You also sent an email on the same day via What Do They Know as follows:

'...Could I also ask you to review your Sectional Appendix decision. I can see that the present day document is available on your website and have downloaded it, however my interest was for a comparison between different years and I cannot find historical data on the Network Rail website.

I am happy to receive any information by digital means in the post.'

Network Rail acknowledged your request for an internal review on 28 September 2018.

Issues on review

The purpose of the internal review procedure is to provide a fair, thorough and independent review of the handling of a request, and of decisions taken under the Freedom of Information Act 2000 (FOIA).

In this case, the issue is whether Network Rail's response fully addressed your request, whether Network Rail holds previous editions of the Sectional Appendix for the period from 2009 to date and whether this information should be disclosed under FOIA.

Decision

I have concluded that:

- Network Rail's response of 21 August 2018 did not fully address the part of your request for the Sectional Appendix from 2009 onwards;
- Network Rail holds some of the requested information in relation to the Sectional Appendix;
- The Sectional Appendix for the period from 2009 to date is a very significant volume of complex technical information, running to tens of thousands of pages; due to the quantity of information involved, we consider that compliance with this request would constitute a 'disproportionate burden'¹ and that the information should not be provided on this occasion.

¹ Section 14(1) of the FOIA may be engaged on those occasions when a request seeks such a large amount of material that to process the entire request would create an excessive or disproportionate burden on the public authority.

- I have also suggested some ways forward, including a suggestion that you may wish to reframe your request so that it has a narrower scope; this would enable us to comply with a new request.

Analysis

Whether Network Rail's response fully addressed your request

Your request sought the following information: '*nationwide sectional appendix and rules of the plan from 2009*'

Network Rail's response disclosed Timetable Planning Rules and a link to the current version of the sectional appendix; therefore, Network Rail did not provide all of the requested information as the response did not address the part of your request for the previous versions of the Sectional Appendix from 2009 onwards.

I confirm that a failure to respond to all parts of your request constitutes a breach of section 1(1) of FOIA, which requires that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request, and, if that is the case, to have that information communicated to him. I confirm that a failure to respond to all parts of your request also constitutes a breach of section 10(1) of FOIA, which requires that a public authority must respond to a request promptly and in any event not later than 20 working days following the date of receipt. I apologise for this error in processing your request and the inconvenience caused.

Whether Network Rail holds the information on the Sectional Appendix

As part of this internal review, I have made further enquiries with the relevant business areas of Network Rail and we have located copies of some of the requested information:

- The Sectional Appendix and supplements for 2009/10 are only held in hard copy in the Network Rail Archive and comprises several thousand pages;
- In addition, we have located electronic copies of the Sectional Appendix for the period from 2012 onwards. This information is not complete for all of Network Rail's routes for the entire period from 2012 onwards.

Whether section 14(1) applies to the requested information

The information held by Network Rail

I should first observe that the information disclosed by Network Rail in relation to the Timetable Planning Rules comprises a large amount of information – Network Rail’s original response indicated that the files held in relation to the rules are around 690 megabytes.

Beyond this, the Sectional Appendix from 2009 onwards comprises a very large amount of information. As indicated above, the Sectional Appendix and supplements for 2009/10 are held in hard copy only and comprise several thousand pages.

During the period of time covered by your request, Network Rail moved from publishing the Sectional Appendix in hard copy to electronic publication as the National Electronic Sectional Appendix (NESA). NESA contains detailed information useful to operators about network capability, as well as a considerable amount of other data. Across the network, changes arise every week (from track renewals to major construction activity), which are published first in the Weekly Operating Notice and rapidly incorporated in NESA.² The information that we have located for NESA comprises the Portable Document Format (PDF) editions published in March, June, September and December of each year, for each of Network Rail’s routes. This information is not complete for all of Network Rail’s routes for the entire period from 2012 onwards.

The Sectional Appendix is a large and complex document which includes a large amount of technical information about the railway network at the time of publication, such as instructions and rules for operation of the network. As an example, the table below sets out the amount of information located for one of the quarterly editions in 2012 (December 2012):

Sectional appendix	Number of pages	File size (megabytes)
Anglia	466	31.9
Kent, Sussex, Wessex	1025	33.0
London North Eastern	1122	26.6
London North Western (north)	892	29.1
London North Western (south)	468	15.5
Scotland	998	28.9
Western	868	27.8
Totals	5839	192.8

² <https://www.networkrail.co.uk/industry-commercial-partners/information-operating-companies/national-electronic-sectional-appendix/>

I have also reviewed sample editions of the Sectional Appendix for other years; the information for other years is similarly complex and is generally larger in terms of the number of pages and file size.

On the basis of this sample, I consider that the total information held for the Sectional Appendix for the period from 2012 to date comprises tens of thousands of pages and thousands of megabytes of information.

In addition, as mentioned above, the Sectional Appendix and supplements for 2009/10 are only held in hard copy by the Network Rail Archive and this information comprises several thousand pages. In order to comply with your request, it would be necessary for this information to be scanned in or copied and this would add to the burden of complying with your request.

In order to comply with your request, it would be necessary to manually review all of the information held in hard copy and electronically in order to determine whether any exemptions in FOIA should be applied to the information; then make any redactions which were necessary; and then prepare any information which was suitable for disclosure. In this case, given the size of the files, this would involve transferring the information onto CD and then sending it to you via post. It is likely that, given the volume of information and the size of the files, this would require multiple CDs.

The Information Commissioner's guidance³ advises that section 14(1) should be used to protect against any request which a public authority believes would place a strain on resources:

'10. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal in the case of Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) when it defined the purpose of section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (paragraph 10).

11. This being the case, public authorities should not regard section 14(1) as something which is only to be applied in the most extreme circumstances, or as a

³ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

last resort. Rather, we would encourage authorities to consider its use in any case where they believe the request is disproportionate or unjustified.'

In the present case, I consider that the key element is the burden that the request imposes on Network Rail, due to the very substantial volume of complex information that would need to be located and reviewed before a decision could be made on whether the information should be disclosed under FOIA. In addition, as the Sectional Appendix for 2009/10 is only held by Network Rail in hard copy, it would be necessary to either scan or copy thousands of pages of hard copy information in order to respond to your request. I consider that, in the specific circumstances of this case, the cumulative burden of this request becomes disproportionate and unjustified.

Advice and assistance

I appreciate that this is not the response that you will be hoping for; I have therefore looked for a way to provide further advice and assistance as best as I can. I hope to do this in two ways: firstly, I did locate some information on an enthusiast site that may be of interest and secondly, I would like to propose a way forward with your request.

During my enquiries as part of this internal review, I located an enthusiast site which has published scanned copies of previous editions of the Sectional Appendix, including London North Western route (north) for 2009. I hope this may be useful for you:

<https://limitofshunt.org.uk/document-library/sectional-appendices/>

In relation to your request, the best way to proceed would be to divide the request into smaller and more manageable parts, and to submit a series of smaller requests over an extended period of time. This would allow you to access the information we do hold over a period of time.

I would advise you to submit a new request for one of the quarterly editions of the Sectional Appendix for one specific route. Please bear in mind that even one quarterly edition of the Sectional Appendix for one specific route comprises hundreds of pages of information. If you require further advice and assistance in framing a new request, please contact the Freedom of Information Team.

I can advise you that you may wish to avoid asking for the information that is only held in hard copy by the Network Rail Archives (i.e. the Sectional Appendix and supplements for 2009/10), as this information would require copying and scanning in order to comply with your request and this would continue to create a significant burden in processing in your request.

I hope that this further explanation is helpful.

Yours sincerely

Colin Bendall
Information Officer – Compliance & Appeals

Next steps

If you are not content with the outcome of this 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.