



Network Rail
Freedom of Information
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Ms Katie Wride
By email: request-297578-04f1f9eb@whatdotheyknow.com

14th January 2016

Dear Ms Wride

Information request
Reference number: FOI2015/01288

Thank you for your request of 12th December 2015. You requested the following information:

"Please can you provide me with the information I requested in part 1,2 and 4 of the initial FOI request."

Original request received 19th October 2015

"Please can you ask Alastair Coates to provide:

- 1. The maintenance records for Plumpton Level Crossing for the past 10 years.*
- 2. Letters to staff operating the crossing informing them that the crossing was deemed to be 'unsafe'. (Under Regulation 22 of the Railways and other Guided Transport Systems (Safety) Regulations).*
- 3. Performance Data on maintenance and issues for the past 10 years for all the MCB-OD crossings in the UK.*
- 4. The full Feasibility Study for Level Crossing design Option C in Planning Application LW/15/0538."*

I have processed your request under the Environmental Information Regulations 2004 (EIR) as the information requested is environmental according to the definition in regulation 2 of the EIR (section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA, but requires us to consider it under the EIR).

I can confirm that we hold some of the information you requested.

In response to the first part of your request, "*The maintenance records for Plumpton Level Crossing for the past 10 years*", please find attached an Excel spreadsheet titled 'FOI201501288 Work_Order_Data_Download_Redacted', which reflects a download from the Ellipse work management system of maintenance carried out at Plumpton level crossing over the ten years prior to the date of your request.

Please note that a small amount of information has been redacted from this Excel spreadsheet under regulations 12(5) and 13(1) of the EIRs.

Regulations 12(5) and 13(1) of the EIR allows any public authority to withhold information if it constitutes the personal information of identifiable individuals, and its disclosure would contravene one or more of the data protection principles of the Data Protection Act 1998. In this instance, the information disclosed in response to your request constitutes the personal information of individuals.

The first data protection principle states that personal information must be handled fairly and lawfully. In our view the disclosure of the information that you have requested would be unfair to the individuals concerned. This is because it constitutes the personal information of Network Rail employees, and employees of third party organisations and the individuals concerned would not have had a reasonable expectation that such information would be disclosed.

In determining what is fair, we also need to balance the rights of the individuals with the legitimate interests in disclosure of the information. Accordingly, we consider that the disclosure of the information you have requested would be unfair and breach the first data protection principle.

Accordingly, I have redacted names, initials, fault numbers and work order numbers from the information disclosed in this document.

With reference to the second part of your request, "*Letters to staff operating the crossing informing them that the crossing was deemed to be 'unsafe'. (Under Regulation 22 of the Railways and other Guided Transport Systems (Safety) Regulations)*", I can inform you that we have searched our records and we do not hold the information you requested.

EIR regulation 12(4)(a) states that a public authority may refuse a request to the extent that the information is not held at the time of the request. We consider that this exception applies, as we do not hold any recorded information regarding subject of request. As the reason for refusal is that the information is not held, it is not possible to conduct a meaningful public interest test.

However, to advise and assist you, I can confirm that Plumpton level crossing was closed prior to any situation taking place that would have made the crossing unsafe for users. As explained in the response to your previous request FOI2015/00978, it was upon the inspection that took place on 11th September 2015 where the condition of Plumpton level crossing was noted to have deteriorated that the decision to close the crossing on 25th September 2015 was made.

In response to the final part of your request, "*The full Feasibility Study for Level Crossing design Option C in Planning Application LW/15/0538*", please find attached 'Plumpton Level Crossing Renewal GRIP3 Study' produced on 28th February 2011.

Please note that individual's names have been redacted from this document, under regulations 12(5) and 13(1) of the EIRs.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

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

Yours sincerely

Emma Wolstenholme
Information Officer

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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