



Department for Transport

Matthew Brown
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Department for Transport
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Web Site: www.gov.uk
Our Ref: F0015746

21 June 2018

Mr Peter Silverman
[By email: request-463157-1ad0de34@whatdotheyknow.com]

Freedom of Information Act Request – F0015746 – Internal Review

Dear Mr Silverman,

I am writing with regard to your FOI request which you originally made to the Department for Transport on 6 February 2018. Specifically you asked the Department:

‘Please provide me with a list showing each Under-secretary for Transport who has had responsibility for the Highways Agency / Highways England since Jan 1 2010. Please show the dates on which they took up this responsibility.’

The Department responded on 7 March 2018 to confirm that it did not hold a central list of previous Ministers that were responsible for Highways Agency/Highways England which show the dates that they assumed responsibility dating back to 2010.

The reply also stated that a complete list of Departmental Ministers since 2010 could be provided if it would be of assistance to you.

You sent the following email on 14 March:

‘Thank you for your communication of 6th March 2108. Please refer to the following guidance from the ICO

Lists and schedules

11. Public authorities may receive requests for lists or schedules.

Example “Please provide me with a schedule of all correspondence between the council and company X between 3 September 2011 and 8 August 2012 inclusive. Please identify the sender and recipient, their position within the council or company X and the date of the correspondence.”

12. If the public authority had already produced a list for its own business needs, the information is clearly held. However, usually the public authority will not hold an actual list. It will hold the correspondence referred to in the request and the information required to produce the schedule will be contained in that correspondence. It is simply a case of extracting the relevant information (the individual building blocks) from the correspondence and organising them into a

schedule. The extraction of existing information and presenting it as a schedule is not the creation of new information.

<https://ico.org.uk/media/for-organisatio...>

Please therefor provide me with the list I have requested.'

You did not receive a reply and on 31 May 2018 you contacted the ICO to ask that they issue a decision notice. The ICO contacted the Department on 7 June and asked it to carry out an internal review within 10 working days i.e. by no later than the 21 June 2018.

The Department has carried out an internal review, the findings are set out below.

Information held by the Department

You requested a list showing each Parliamentary Under Secretary of State for Transport who had responsibility for the Highways Agency or Highways England since Jan 1 2010. Also the dates on which they took up this responsibility.

The official who handled your original request has confirmed that their original reply could have been clearer and we apologise for this. Whilst the Department does not hold a central list of the information that you seek the response should also have made it clear that neither does it hold the 'building blocks' mentioned in the ICO guidance that you refer to in your email of the 14th March.

The Department does not record this type of information either centrally in a list or on an individual basis. The Department has had numerous Ministerial changes over the past 8 years dating back to January 2010. It is also possible that portfolios of existing DfT Ministers changed over this time period with responsibility for the Highways Agency / Highways England moving between them.

Taking everything into consideration I am content that a thorough review has been conducted and uphold the Department's original decision that it does not hold the information you requested.

The Department has provided the following advice which might help you track down this information:

- The Department confirmed that it could provide you with a complete list of previous DfT Ministers that have been in office since January 2010 and would be happy to do so on request. Although this list would not detail which Ministers had responsibility for Highways Agency / Highways England it would provide a reference point.
- Another option might be for you to search old copies of the Department's website which are regularly archived by The National Archive and are available to view on their website here:
http://webarchive.nationalarchives.gov.uk/*/http://www.dft.gov.uk/

Handling of your request

I note that you did not receive a reply to your email of 14 March 2018, this was an oversight by the case handler. Please accept my apologies for this oversight.

Conclusions

Thorough searches for the information that you requested were undertaken which concluded that the information including the specific dates that Ministers took up responsibility for the Highways Agency / Highways England dating back to 2010 is not held by the Department.

Again, I apologise that you did not receive a reply to your further email of 14 March 2018, this was an oversight on the part of the case handler. The case handler is considering ways to prevent this happening again in the future.

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
Cheshire
SK9 5AF

A copy of this letter has been provided to the Information Commissioner.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'MB', followed by a long horizontal flourish.

Matthew Brown
Deputy Director, Corporate Finance

