

Mrs J Ritchie

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Ref: F0007967

Dear Mrs Ritchie

I am writing in response to your correspondence dated 29 July 2011, in which you sought clarification that the Department for Transport had checked with BMT as a possible source for the requested information, namely the cine film associated with the NMI report.

In addition, you made the observation that it was your understanding that the experts engaged in the RFI had considered the NMI report; you wondered how they could have done this in its entirety without the accompanying films?

As you are probably aware, BMT is not part of either the Department for Transport or the Maritime and Coastguard Agency; consequently, under the terms of the Act, the Department is neither required nor expected to check with them when responding to an FOI request. As has already been stated, the Department does not hold a copy, nor does anyone else hold a copy on its behalf. We do not know of anyone that does hold a copy.

With regard to your observation, it would appear that the NMI report was a stand-alone report, which did not rely on the film itself, the only relevant bits being the frames reproduced in the report.

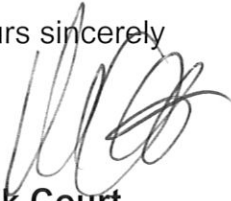
As you will be aware, in the Sheriff Principal's report, on page 48, some text from the NMI report is reproduced. This clearly states that "*These types of capsizes have been filmed and for this report several frames have been reproduced photographically from the cine negative.*" The Department believes this indicates that the authors of the report considered these frames to be sufficient.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nick Court', written over the words 'Yours sincerely'.

Nick Court
Deputy Director Maritime Safety and Environment

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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

Nick Court