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Department for Transport
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Web Site: www.dft.gov.uk

21 May 2012

Dear xxxxxxxxxx,

Bexhill Hastings Link Road - FOI Request F0008778

Thank you for your information request of 2 April 2012. Your request was as follows:

"We maintain an interest in issues around the Bexhill to Hastings Link Road, and also our opposition to the scheme.

"In order to make the most of any opportunities open to us in the limited time available, it is important for us to know the nature and extent of dialogues between the Department for Transport and Her Majesty's Treasury prior to the decision on the scheme announced on the 21st March, 2012.

"We would like to request, under the Freedom of Information Act, copies of any correspondence and supporting documents exchanged between those two government departments during the Best and Final Funding Bid process and up to and following the announcement of the final decision announced on budget day."

My letter of 1 May explained that we were extending our response time limit by 20 working days in order to assess whether the public interest is in withholding the information or disclosing it.

Your request has been considered under the Freedom of Information Act 2000.

I am writing to confirm that the Department does hold the information you requested but has decided that some of this information cannot be disclosed for the reasons given below. The information that can be released is:

- text of e-mails between DfT and HM Treasury between 8 March 2012 and 19 March 2012
- extracts from submissions dated 14 and 19 March 2012 from DfT officials to DfT Ministers
- DfT's evidence review (referenced as Annex B to the 19 March submission to Ministers)

A copy of the above information is enclosed.

The Department's assessment of the scheme (referenced as Annex A to the 19 March submission to DfT Ministers) is already in the public domain at:

<http://assets.dft.gov.uk/publications/local-authority-major-transport-schemes/bexhill-hastings-assessment.pdf>

The information being withheld falls under the exemption in section 35 of the Freedom of Information Act 2000.

In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure.

The attached annex A to this letter sets out the exemptions in full and details why the public interest test favours withholding the information.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on our website together with any related information that will provide a key to its wider context.

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/01
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.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

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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

Annex A: Public Interest Test

Exemption in full	
<p>Section 35: Information held by a government department or by the National Assembly for Wales is exempt information if it relates to:</p> <p>(a) the formulation or development of government policy</p>	
Public interest test factors for disclosure	Public interest test factors against disclosure
<ul style="list-style-type: none">• Release of internal information would promote accountability and transparency with the public and inform those who have raised particular concerns to see how various policies and procedures are considered within Government.• It will also allow individuals to understand issues which affect their lives and inform public debate on significant decisions which may affect them in the future.	<ul style="list-style-type: none">• The information includes internal advice to Ministers. Disclosure could be likely to prejudice the effective conduct of public affairs.• If officials' advice were put into the public domain it would seriously undermine their ability to provide impartial advice to Ministers without concern about the possible reactions or pressure from stakeholders• The release of internal advice would impact detrimentally on the Department's ability to consider issues in the future and the free and frank exchange of views.
<u>Decision</u>	
<p>On this basis, we conclude that the factors above outweigh the benefits of disclosure. Releasing the information would be against the public's interest as it would seriously impact on the decision and policy making process in relation to the funding of transport schemes.</p>	