

XXXX XXXX

[By email: XXXX XXXX]

XXXX XXXX

Department for Transport  
Information Rights Unit  
Zone D/04  
Ashdown House  
Sedlescombe Rd North  
St Leonards on Sea  
East Sussex  
TN37 7GA

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: F0007257

7<sup>th</sup> February 2011

## Freedom of Information Request - F0007257

Dear XXXX XXXX,

I am writing to confirm that the Department has now completed its search for the information which you requested on 12<sup>th</sup> January 2011. You asked for:

***“figures pertaining to the number of delayed responses (in that, responses that have taken over 20 working days) since 6 May 2010 and the reasons for this.***

***if reasons are not available, then I would just like the number of delayed responses.***

***the number of requests that have had interventions, reviews or any form of interaction with the Secretary of State for Transport.”***

The Department for Transport was formed in 2002 and is made up of a central department and seven executive agencies as follows:

Highways Agency  
Driver & Vehicle Licensing Agency  
Driving Standards Agency  
Vehicle & Operator Services Agency  
Maritime & Coastguard Agency  
Vehicle Certification Agency  
Government Car & Despatch Agency

This response covers both the central department and our executive agencies.

Under section 21 of the Act (the full text from the exemption is at Annex A), we are not required to provide information which is already reasonably accessible to you. The information you requested on the number of delayed Freedom of Information (FOI) and Environmental Information Regulation (EIR) responses is available on the Ministry of Justice website at the following links:

<http://www.justice.gov.uk/publications/docs/q2-foi-bulletin2010.pdf>

Details of DfT late cases can be found on page 14 of the statistical bulletin.

<http://www.justice.gov.uk/publications/docs/foi-stats-bulletin-q3-2010.pdf>

Details of DfT late cases can be found on page 12 of the statistical bulletin.

The above links provide information on late cases from April 2010 to September 2010. The figures for October 2010 to December 2010 will be published later this year (around April 2011) and we are therefore withholding this information under section 22 of the Act (the full text from the exemption is at Annex B). In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. There is a clear public interest in the department's performance on handling information requests. As a Government department we should be open and transparent about this type of information. However, it's important that we are able to publish this information in a manner, form and timing of our own choosing. Official's time would be better spent compiling these figures now and preparing for publication as opposed to responding to individual requests. On balance the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this time.

Please find below a list of reasons that have been recorded by case handlers in the central department and our agencies for late FOI & EIR cases received between 1<sup>st</sup> April 2010 and 31<sup>st</sup> December 2010.

Delay in obtaining third party clearance.
Delay in obtaining Agency contribution.
Delay in finding relevant information.
Delay in correspondence reaching relevant person.
Delay caused by pressures of work.
Delay caused by absence of relevant personnel.
Delay awaiting clearance from Private Office.
Delay awaiting clearance from Divisional Manager.
Case overlooked.
Advice delays from DfT Information Rights Unit, DfT Legal or Ministry of Justice.
Delay due to complexity of request.

In total **311** cases were flagged as Secretary of State's office interest in the period between 1<sup>st</sup> April 2010 and 31<sup>st</sup> December 2010. Secretary of State's office take a keen interest in Information Rights to ensure that the department fully complies with the legislation. However, not all requests which are flagged by the Secretary of State's office are actually seen by the Secretary of State himself. Many are reviewed and cleared by his staff.

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. The Department will, therefore, be simultaneously releasing to the public the information you requested, 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/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto: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,

**XXXX XXXX**  
**Information Rights Unit**

## **Your right to complain to [DfT/Agency] 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**

### **21 Information accessible to applicant by other means.**

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

## **Annex B**

### **22 Information intended for future publication.**

(1) Information is exempt information if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).