

Maria Eagle
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Freedom of Information Act Request

Thameslink Rolling Stock Project
Our ref: P0007825 and P0007824

Refusal on Section 12 of the FOI Act

I am writing regarding your request for information, received on 30 June. In that request you asked us for 'all communications, written and electronic, relating to the Thameslink rolling stock bid since May 2010 between a) ministers b) civil-servants c) political advisors and d) Siemens consortium.' You have also made a similar request (our ref. P0007824) asking for the same information exchange with the Bombardier consortium.

Section 12 of the Act (the full text of which is attached) does not oblige the Department to comply with requests that exceed an appropriate limit (in this case the appropriate limit is £600).

We are unable to answer your request within the cost limit as to do so would require the review of over a year's worth of correspondence. This would require a significant amount of time of a sizeable staffing resource. We calculate that this time would cost more than £600, and we are therefore refusing your request.

If you send us a new, more specific request, we will consider if that can be dealt with within the limit, and with due consideration to the FOI Act.

Please note that we are processing a number of FOI requests on the subject of the Thameslink Rolling Stock procurement. Our answers will be published on the DfT website and you may wish to view these responses there.

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.

If you wish to discuss any of the above, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Stephen Howe
Department for Transport
Zone 4/29
Great Minster House
76 Marsham Street
London
SW1P 4DR
020 7944 3612

Section 12 exemption:

Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

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