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

Our Ref: F0008728

16<sup>th</sup> April 2012

Dear XXXXXXXX,

### **Freedom of Information request**

Thank you for your request for information received on 15<sup>th</sup> March. In that request you asked;

- 1) What is our procedure for cases where copies of documents produced in this department – whether on paper or in an electronic format – are lost?
- 2) In each of the past five financial years, how many such documents were recorded as having been lost?
- 3) As much detail as possible about each of the documents misplaced since April 2010, including its subject, the date it went missing, whether it was the only copy, and where it was thought to have been lost.
- 4) What is our procedure for cases where copies of documents produced in your department are reported stolen?
- 5) In each of the past five financial years, how many such documents were recorded as having been stolen?
- 6) As much detail as possible about each of the documents stolen since April 2010.

The Department for Transport includes the central Department, seven executive agencies and a shared service centre. This Department takes seriously any instances where documents, whether on paper or in electronic form are lost. Depending on the sensitivity of information involved, it takes appropriate steps, on a case by case basis to ascertain how that loss occurred, whether inadvertently or due to a deliberate act and to mitigate any impact on citizens.

Decisions about how best to manage the risks resulting from a loss or theft of information are for the Information Asset Owner and Senior Information Risk Owner and, in very serious cases, the Accounting Officer to take. However, the Departmental Security Officer should be notified of all breaches, regardless of their nature.

Incidents of a Classified nature i.e. those that involve significant IT security incidents, cryptographic materials or information with a national security or protective marking must be reported to the Departmental Security Officer (DSO). The DSO will provide advice on how to handle the incident and ensure that the Department meets its obligation to report such incidents to both the Cabinet Office and CESG (the UK Government's technical

authority on Information Assurance). Where a crime has been committed, the police will also be informed.

Incidents involving protected personal data should also be reported to the Departmental Data Protection Officer (DPO). The DPO is able to advise on the steps that should be taken to reduce the risks to the individuals whose personal data has been compromised, and whether the Information Commissioner's Office (ICO) should be informed.

Guidance from Cabinet Office makes clear that, as a general rule, departments should manage small scale and local breaches locally without involving external parties. In the case of more significant incidents involving personal data, it may be appropriate to inform individuals and external bodies such as the ICO, where:

- there is a serious or systemic breach which is likely to have a harmful effect on the department's key systems
- there is a high volume of personal data and/or it is sensitive, and there is a significant risk of actual or potential harm to the individuals concerned
- it would allow individuals to take steps to protect themselves e.g. from the risk of fraudulent use of bank accounts
- details of the incident are likely to be made public – in which case the ICO will want to know so that they are prepared for enquiries
- there is a clear public interest in doing so

The figures provided here are from central records of lost or stolen items for the entire Department including its agencies and shared service centre. Where the central records include details relating to such documents reported as lost or stolen since April 2010, these have been included. The information provided does not include information relating to documents that were lost or stolen, including the subject, the date it was lost or stolen, whether it was the only copy, and where it was thought to have been lost or stolen, where that information is not available centrally or where such incidents were not reported. Whilst some of this information may exist in records held locally within the central Department and the Agencies, we have estimated that the cost of determining whether such information is held, and of locating, retrieving and extracting any such information would exceed £600. Section 12 of the Act (the full text of which is attached at the annex) does not oblige the Department to comply with requests that exceed this limit, and we are therefore refusing this part of your request.

Where documents held in electronic form are encrypted, for instance on laptop computers, USB memory drives or BlackBerrys, the loss or theft of those devices would not constitute loss or theft of those documents, provided that associated passphrases and/or encryption tokens are not also lost or stolen. Therefore, such instances that are recorded centrally are not included in the figures and details provided.

Financial year	Documents lost	Documents stolen
2007-08	11*	31*
2008-09	32	0
2009-10	51	0
2010-11	1 envelope including a passport April 2010	1 paper file March 2011
	1 pocket book July 2010	
	1 DSA Test record Sept 2010	
	1 pocket book Oct 2010	1 set of documents including personal data Oct 2010
	2 pocket book Feb 2011	
	1 notebook of meetings and customer survey results Feb 2011	
	1 note book March 2011	
	1 personnel file March 2011	
2011-12	1 Tender document June 2011	
	1 binder July 2011	
	1 pocket book July 2011	
	1 pocket book Nov 2011	
	5 pocket books Dec 2011	
	1 VOSA test file Mar 2012	

\*Figures include lost or stolen unencrypted removable media

The central Department does hold a record of those incidents that are required, in line with its policy and guidance, to be published in the Department's Resource Accounts, including more serious incidents that are reported to the Information Commissioner. Under section 21 of the Act, we are not required to provide information which is already reasonably accessible to you. Such incidents have been published in our Resource Accounts since 2008. These can be viewed at:  
<http://webarchive.nationalarchives.gov.uk/20090807152027/http://www.dft.gov.uk/about/publications/apr/ar2009/arra.pdf> for years 2008-09,  
<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/about/publications/apr/resourceaccounts0910/pdf/resourceaccounts0910.pdf> for years 2009-10, and

<http://assets.dft.gov.uk/publications/dft-annual-report-and-accounts-2010-11/hc972-01.pdf>  
for the year 2010-11.

The incidents for the current year will be published in the 2011-12 Resource Accounts in mid 2012 and will also be available through our website. Under section 22 of the Act we are not required to provide information which is intended for future publication. In applying the section 22 exemption, we have considered the public interest for and against releasing this information prior to its intended publication. Although a central record of these breaches is held, it is not verified with the agencies and parts of the centre until the information is compiled for the accounts at the year-end. Therefore it was decided that it was not in the public interest to release information that had not been properly verified. The full text of sections 21 and 22 of the Act have been included at the annex to this letter.

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 have any queries about this letter, please contact XXXXXXXXXXXXXXX in our press office on XXXXXXXXXXXXXXX. Please remember to quote the reference number above in any future communications.

Yours faithfully

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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**

### **Section 12 of the Freedom of Information Act provides that:**

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.

### **Section 21 of the Freedom of Information Act provides that:**

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

**Section 22 of the Freedom of Information Act provides that:**

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.