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XXXXXXXXXXXX

By email:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Web Site: www.dft.gov.uk

Our ref: F0007319

11 March 2011

Dear XX XXXXX

I am writing to confirm that the Department does hold most of the information you requested on 28 January 2011. We have provided herewith copies of nine relevant items of correspondence (including an enclosure) that we hold between Department for Transport Ministers and GMPTE/ GMITA. Please note that no relevant correspondence between Department for Transport Ministers and Treasury Ministers was identified.

We have decided, however, that a small amount of information within these letters, comprising the name and direct telephone number for one junior official and two monetary figures, cannot be disclosed for the reasons given below.

The two monetary figures that are being withheld fall under the exemption in section 43 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 exemption in full and details why the public interest test favours withholding this information.

In addition, the name of a junior official below the Senior Civil Service has been withheld under section 40(2) of the Freedom of Information Act 2000 on the grounds that it would be unfair in terms of the first data protection principle to disclose the names of staff at those levels.

You will also note that some of the correspondence features redactions outside the body of the text. These redactions relate to the Department's internal processes and are not relevant to the content of the correspondence or your request.

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/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 XXXX XXXXXXXXXXX XXX XXX
XX XXXXX XXXXXX XX XXX XXXX XXXX. Please remember to quote the reference
number above in any future communications.

Regards,

XXXXXX XXXXXX

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

<p>Exemption in full</p> <p>Under Section 43 of the Freedom of Information Act 2000, two monetary figures are not being disclosed. These are outlined below.</p>	
<ul style="list-style-type: none"> • A letter from Cllrs Matthew Colledge and Keith Whitmore to Andrew Adonis (dated 29 January 2009) includes GMPTE's estimate of the subsidy provided by the Department for the operation of the former "Oldham Loop" heavy railway • A letter from Cllrs Keith Whitmore and Ian Macdonald to Andrew Adonis (dated 12 October 2009) includes an indication of the marginal costs to the Northern franchise of deploying additional rail vehicles 	
<p>Public interest test factors for disclosure</p>	<p>Public interest test factors against disclosure</p>
<ul style="list-style-type: none"> • Public clarity and transparency in the finances of the rail industry • An enhanced public understanding of the finances of the rail industry • An enhanced understanding of the financing of the Oldham Loop railway, now closed, and the marginal costs to Northern Rail of deploying additional rolling stock in 2009 	<ul style="list-style-type: none"> • Commercially sensitive information would be publically available • The commercial interests of Northern Rail; rolling stock leasing companies; GMPTE/ GMITA and the Department would or would be likely to be prejudiced if this information was released • Future franchise competitions may become less competitive • Future leasing of rolling stock by franchised operators may become less competitive • The overall value of rail franchises may decrease, with damaging implications for wider public finances
<p><u>Decision</u></p> <p>To withhold this information due to the possibly damaging impact on the commercial interests of public bodies and private companies. The public interest factors in favour of release do not, in our judgement, outweigh the potential for harm.</p>	