

Via email:XXXXXX

Dear XXXXXX,

Providing applicant with information requested: F00007924

Thank you for your request for information which we received on 25 July 2011 from the Department of Business, Innovation and Skills. I am writing to confirm that the Department for Transport has now completed its search for the information which you requested.

1. Which MPs and Civil Servants were involved in the awarding of the contract to Siemens to build the new rail carriages?

The results of the evaluation were presented to the Department's Contract Award Committee which is responsible for, and gives approval to proceed with all procurement activity associated with major procurements undertaken by the Department.

The preferred bidder decision was approved at the Contract Award Committee. The decision was then endorsed by the Board Investment Commercial sub-Committee (BICC) and was reported to the main Department for Transport Board. The recommendation then was made to the Secretary of State who gave his approval.

Throughout the whole evaluation process the identities of all bidders were anonymised in line with Departmental policy, and to eliminate any personal bias prejudicing the outcome of the competition. The Secretary of State was informed of the identity of the preferred bidder once he had given his approval.

The names of all officials below the Senior Civil Servant grade are withheld pursuant to section 40(2) of the Freedom of Information as they constitute personal information and disclosure could contravene data protection principles. We have released the names of all officials in the Senior Civil Service as they are already published in the Civil Service Year Book and therefore considered already to be in the public domain.

The attached annex A to this letter sets out details of this exemption.

The following Senior Civil Servants attended relevant meetings in which the decision was made:

Contracts Award Committee:

Lucy Chadwick	Acting Director General, Major Projects and London
Michael Hurn	Acting Director, Rail & Roads Projects
John Gilbert	Deputy Director, Rail Contracts
Robin Groth	Deputy Director, Rail Sustainability - Operations
Colette Carroll	Deputy Director, Rail Contracts South
Sally Stott	Deputy Director, Corporate Finance
David J Payne	Deputy Director, Finance
Hussein Kaya	General Counsel's Office
David Clarke	Deputy Director, Rail Technical
Kate Mingay	Director, Commercial and Technical Services

Board Investment and Commercial Sub-Committee:

Clare Moriarty	Director General, Corporate Group
Lucy Chadwick	Acting Director General, Major Projects and London
Valerie Vaughan-Dick	Director, Group Finance
Kate Mingay	Director, Commercial and Technical Services
Mike Fuhr	Director, Major Projects
Christopher Muttukumar	General Counsel
Tracey Waltho	Director of Analysis/Science
Hussein Kaya	General Counsel's Office
Michael Hurn	Acting Director, Rail & Roads Projects

Attended meeting with Secretary of State:

Natasha Robinson	Deputy Director, Principle Private Secretary
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The following MPs were involved:

Theresa Villiers
Philip Hammond

2. Who went to Germany prior to Siemens being awarded the contract?

The Senior Civil Servants listed took part in the following visits:

(a) Visit to Siemens Krefeld factory, near Dusseldorf, 10 December 2009:

Michael Hurn	Deputy Director, Thameslink Programme
John Gilbert	Deputy Director, Rail Contracts
Jack Paine	Then head of Procurement

(b) Visit to Siemens Graz and Vienna factories in Austria, 17-18 February 2010

Michael Hurn
John Gilbert

Deputy Director, Thameslink Programme
Deputy Director, Rail Contracts

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/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 me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

XXXXXXXXX

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

Section 40 (2) Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—

(i) any of the data protection principles, or

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(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).