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Communication Directorate
Department for Transport
Great Minster House
76 Marsham Street
London SW1P 4DR
Direct Line: xxxxx

Email address: xxxxxx

14 April 2011

Dear xxxxxx

Freedom of Information Request – F0007456 – High Speed Rail Opinion Poll

Further to your email of 10 March 2011 in which you asked for the following:

“Market and/or social research materials relating to High speed rail and HS2. Specifically, details of the research recently referred to in the HS2 consultation materials undertaken into attitudes and intended use of high speed rail and HS2. To include the brief, the proposal (excluding commercially sensitive cost of the research information) the final questionnaire, the technical report (or similar), tabular findings and any written or presentation based report.”

I am writing to advise you that the Department for Transport does hold information that is relevant to your request but following careful consideration I must inform you that we have decided not to disclose some of this information as yet.

The research brief and proposal you have requested cannot be provided as this information is not held by the Department. The research project was handled on an existing contract with TNS-BMRB and the brief and proposal were agreed through telephone discussion which was not documented formally, aside from agreement as to total costs.

The rest of the information you requested is being withheld in reliance on the exemption in section 22 of the Freedom of Information Act 2000 because the Department intends to publish the full research report including the final questionnaire at a future date later this year. The attached annex A to this letter sets out the exemption in full.

As Section 22 is a qualified exemption, we have conducted a Public Interest Test on the early release of this information and it has been determined that the information will remain undisclosed until its publication date.

There is a clear public interest in high speed rail and the Department should be open, transparent and accountable to the public. However, it's also important that we are able to release this information in a manner, form and timing of our own choosing. The Department is currently preparing to publish a final research report which will include this information. We consider that publishing this report having fully considered all of the relevant information is in the public interest. We plan to spend time reviewing and preparing the final report, and arranging for it to be published on the Department's website. Therefore, we have decided that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this time.

I will happily notify you as soon as the report is published and respond to any additional queries that may arise as a result.

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 below 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 as above. Please remember to quote the reference number above in any future communications.

Yours sincerely

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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

Section 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).