



Department for Transport

XXXX
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Direct Line: 020 7944 XXXX
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Web Site: www.dft.gov.uk

Our Ref: F0009459

20 December 2012

XXXX

Dear X,

I am writing regarding your request for information that I received on 13 November 2012. It asked us to:

'Please supply details and related correspondence of all releases by the DfT of passenger count and loading data originally supplied to the DfT by the TOCs. I am interested in releases to both individuals and organisations but excluding releases to Network Rail, ORR, and other Government Departments. If there have been a large number of similar releases to an individual or organisation, then please only supply details of representative releases'.

On 23 November you clarified your request in the following terms:

I am interested in releases back to the beginning of the TOC franchises.

Please exclude contractors and sub-contractors working for the DfT provided they would have been under an obligation to keep the data supplied by the DfT confidential.

Please exclude other non-departmental public bodies and arms length bodies provided they were also under a strict obligation to keep the data confidential.

I am writing to confirm that the Department has now completed its search for the information you have requested and can confirm that the department does hold this information.

The Department for Transport (DfT) has been in receipt of passenger count and loading data from train operators since 2006 when responsibility for rail franchising transferred to the Department from the Strategic Rail Authority (SRA). From 2006 until late 2008, responsibility for the data you have requested was shared across a number of DfT teams. For the period between 2006 and 2008 I have consulted with key personnel working in the Department at that time and have concentrated on data releases following requests made under the Freedom of Information Act.

Our records show that there were a small number of data releases between 2006 and 2008. Although the Department is not required to provide information which is already in the public domain; outside the scope of the Act, and to be helpful, I have listed all of these

releases in the Annex to this letter and have provided links to the data. The Department has migrated its web content twice in the last two years, and some of the relevant content is not showing on our current website. As I cannot trace the links for two of the releases listed, I am supplying copies of those with this letter.

During 2008/09, responsibility for the co-ordinated management of service-level passenger counts data was transferred from the individual franchise teams within DfT into a central rail statistics team. As part of this transfer, a review of the data handling and data security procedures was carried out. This included extensive dialogue with the Train Operating Companies (TOCs), in March 2009. These discussions were against the background of the National Rail Franchise Terms agreed between the Secretary of State and the TOCs. The clear consensus view of the TOCs in that review was that the service-level loading data was commercially valuable and sensitive. Furthermore, in accordance with the National Rail Franchise Terms, the Department needs permission from train operators for any release of service-level loading data. As a result, although the data have been widely used by the rail industry, we have made no public release of data since 2009, except for 'top 10' lists of crowded trains that have been published on the DfT website.

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 from release. 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/01, 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,

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

Data releases since responsibility for rail franchises transferred from the SRA to the DfT (late 2006)

Lists of crowded trains released in response to FOI requests

1. 2005 (top ten)

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2006/mar/congestiontrains/adsheetindicatingtenmost2789.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2006/mar/congestiontrains/etteraboutcongestionontrains.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2006/mar/congestiontrains/nicaldefinitionofexcessp2790.pdf>

2 2006 (top ten)

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2007/july2007/foitenmostcrowded/foicrowdedtrains22.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2007/july2007/foitenmostcrowded/foicrowdedtrains21.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2007/july2007/foitenmostcrowded/foicrowdedtrains2.pdf>

3. 2007 (top twenty)

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2008/aug/foiresponsedespatch/foiresponse1.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2008/aug/foiresponsedespatch/congestiondata.pdf>

4. 2008 (top ten)

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2009/aug/pixc2008/foi5434response.pdf>

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2009/aug/pixc2008/foi5434-annex.pdf>

5. 2009 (top ten)

http://webarchive.nationalarchives.gov.uk/20120818124034/http://assets.dft.gov.uk/foi/dft-2010/F0006648_Top_10_Overcrowded_Trains_Autumn_2009_web_version.zip

6. From 2010 these lists are published and available on the DfT website

<https://www.gov.uk/government/publications/london-and-south-east-top-ten-overcrowded-train-services>

The following data have also been released and are available online:

- 7. April 2006:** The loading or overcrowding figures for the WAGN train services between Hitchin and London during the morning and evening peak periods.

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2007/july2007/wagn/>

- 8. February 2008:** A copy of the Autumn 2006 passenger counts for selected train operators serving London & South east

<http://webarchive.nationalarchives.gov.uk/20100415103316/http://www.dft.gov.uk/foi/responses/2008/aug/foipassengercounts/>

- 9. March 2008:** various data (2006 and 2007) on West Coast Main Line

Though an official publication of the data released cannot be found, these (Virgin) data have recently been placed on a public website and can be viewed at the link below.

http://www.greennuneaton.org.uk/transport/Euston_Counts_FOI_Kondakor.xls

Two further data releases have been identified, but a public record cannot be traced:

- 10. March 2007:** 3 most overcrowded am & pm peak Northern Thameslink – most recent after 2006 (data on 'top 3' am and pm services included for 2005 and 2006) (copy attached)
- 11. March 2008:** Statistics on train operating companies including data on cancellations and overcrowding (London & South East 'cordon counts' included with letter) (copy attached)