



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

Date: 04/12/12

Dear xxxxxxxxx

Freedom of Information Request- F0009435

Thank you for your information request which I received on the 6th November 2012. You requested the following information:

“I am interested in the Motorists Forum as the government’s preferred means of working with public opinion on motoring matters.

Please send me any papers, emails et c that can be released by law that show how the Forum membership after the 2010 general election was determined and selected, including any decisions not to invite groups or individuals, and any invitations that were declined. “

Your request has been considered under the Freedom of Information Act 2000.

I am writing to confirm that the Department for Transport does hold the information you requested. The information that can be released is the submission given to the Roads Minister on the Motorists’ Forum. A copy of this is enclosed. It has concluded that some of this information cannot be disclosed for the reasons given below.

In line with Departmental policy, the names of Departmental junior officials, that is staff below the senior civil service, have been redacted from the submission in reliance on the personal information exemption at section 40(2) & (3) of the Freedom of Information Act 2000 (the full text of the exemption is attached at Annex A). These individuals are not in public facing roles and therefore have a reasonable expectation that their names will not be placed into the public domain. To do so would contravene the first data protection principle of fairness.

This submission represents the final advice given to Mike Penning MP, the then DfT Roads Minister, on the revised membership of the Motorists Forum. The Forum had asked to be reduced in size to bring it into line with the Government’s position on advisory bodies and to better contribute to policy and strategy. Both we and they agreed to move towards a different structure, with a smaller core membership and a flexible wider group. The Chair is able to invite these, or any other stakeholders, to

act as temporary members of the Forum or to take part in subgroups to discuss individual topics. No invitations to become a core member have been declined.

The Motorists Forum is intended to be the primary regular channel through which road users and other key stakeholders from the roads and motoring sector contribute to government thinking on priorities for and performance of roads. The Forum has a role in helping to shape topics of current interest, and setting a longer term strategic direction for roads and motoring policies. The current chair is Peter Everitt from the Society of Motor Manufacturers and Traders. David Bizley, the technical director of the RAC, was invited to rejoin the Forum following ministerial reauthorisation in 2012.

Minutes of the Forum's meetings are available online at:

<https://www.gov.uk/government/publications/motorists-forum-terms-of-reference-and-meeting-minutes>

The information being withheld comprises of two emails between policy officials on the criteria for the revised membership. This information is being withheld in reliance on the qualified exemption at section 35(1)(a) of the Freedom of Information Act 2000 which relates to the formulation or development of government policy.

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 B to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

Regarding your query as to whether any invitations to join the Motorists Forum were decline, none were.

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/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 quote the reference number above in any future communications.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

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

40 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

(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).

(5) The duty to confirm or deny—

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section—

“the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

“data subject” has the same meaning as in section 1(1) of that Act;

“personal data” has the same meaning as in section 1(1) of that Act.

Annex B

Exemption in full	
Section 35 (1)(a) : Information held by a government department or by the National Assembly for Wales is exempt information if it relates to the formulation or development of government policy.	
Public interest test factors for disclosure	Public interest test factors against disclosure
<ul style="list-style-type: none"> • Disclosure of the policy discussions on the criteria for the revised membership of the Motorists' Forum would be consistent with the Government's wider transparency agenda. This makes government more accountable to the electorate and increases trust. • The public interest in being able to assess the quality of advice being given to ministers and subsequent decision making with regard to the revised membership of the Motorists' Forum. 	<ul style="list-style-type: none"> • Good government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of disclosure. • The impartiality of the civil service might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making. • The disclosure of the specified information would have a negative affect on relationships with stakeholders. Stakeholders may be reluctant to share information with the Department if they knew it would be routinely disclosed. • There needs to be a free space in which it is possible to 'think the unthinkable' and use imagination, without fear that policy proposals on the revised membership of the Motorists' Forum will be held up to ridicule.

Decision:

On balance the public interest in withholding this information outweighs that in releasing it. This is due to the fact that officials formulating policy must be able to consider a wide range of options without being inhibited by fear of disclosure. Similarly, disclosing information to do with relationships with stakeholders would have a negative effect.

The key outcome from these deliberations is being provided via the submission, which is being released.