

## Jacob Gemma

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**From:** FOI  
**Sent:** 11 May 2021 10:06  
**To:** [REDACTED]  
**Subject:** IRV-007-2021

TfL Ref: IRV-007-2122

Thank you for your email which was received by Transport for London (TfL) on 10 May 2021.

You have stated that you are dissatisfied with the handling of your request for information under the Freedom of Information Act.

A review will be conducted by an internal review panel in accordance with TfL's Internal Review Procedure, which is available via the following URL:

<http://content.tfl.gov.uk/internal-review-procedure.pdf>

Every effort will be made to provide you with a response by 8 June 2021. However, if the review will not be completed by this date, we will contact you and notify you of the revised response date as soon as possible.

Your new FOI request will be dealt with and responded to separately to your internal review.

In the meantime, if you would like to discuss this matter further, please feel free to contact me.

Yours sincerely

Emma Flint  
Principal Information Access Adviser  
FOI Case Management Team  
Transport for London

**From:** [REDACTED] <[REDACTED]@gmail.com>  
**Sent:** 10 May 2021 14:33  
**To:** FOI <Fol@tfl.gov.uk>; ICO Casework <icocasework@ico.org.uk>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Proceed with Internal view

Please also supply:

- 1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?
- 2 - For question one, What are the totals numbers per month?
- 3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?

4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?

5 - For Question four, What are the FOI request totals for each month in 2020?

6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>

**Sent:** 10 May 2021 14:02

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

On Mon, 10 May 2021 at 13:56 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

A response to your request was issued on 7 May, which you have already been in contact with us about.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>  
**Sent:** 08 May 2021 11:56  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

TFL you are late in responding to this FOI which you state will be sent to me by May 7th. It is now the 8th - the weekend and no such response has been received.

You should respond at latest by Monday 10th May.

The ICO are already notified of your inability to comply

On Wed, 14 Apr 2021 at 14:41 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021

Thank you for your request received by Transport for London (TfL) on 10 April 2021.

We will aim to issue a response by **7 May 2021** in accordance with the Freedom of Information Act 2000 and our information access policy.

However, please think carefully about whether the request is essential at this current time, as answering FOI requests will require the use of limited resources and the attention of staff who could be supporting other essential activity. Where requests are made, please note that our response time may be impacted by the current situation and so you may wish to reconsider the timing of this request. Please notify us as soon as possible if you would like to withdraw your request at the current time.

We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance. This includes data which is frequently asked for in FOI requests or other public queries. Please check <http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

We will publish anonymised versions of requests and responses on the [www.tfl.gov.uk](http://www.tfl.gov.uk) website. We will not publish your name and we will send a copy of the response to you before it is published on our website.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 10 April 2021 08:14

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Subject:** FOI - "Cycling grants london" - totals

Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
2. How many of those applications were then awarded?
3. The total (£) value of those awarded grants?
4. Please release a breakdown by borough showing the total number of applications made.
5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?
6. What KPIs were used to benchmark the success of any of those grants?
7. What were the terms of those grants?
8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs?
10. If no schemes for protected groups, why not?

Best regards,



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From: FOI <Fol@tfl.gov.uk>

To: "[REDACTED]@googlemail.com" <[REDACTED]@googlemail.com>, "[REDACTED]@ico.org.uk" <[REDACTED]@ico.org.uk>

Cc:

Bcc:

Date: Fri, 7 May 2021 10:52:19 +0000

Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the your three requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued.

As also explained, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Therefore the same approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign and I can see that this was explained to you both within our response and also within the ICO guidance we provided a link to in our response relating to the "Dos and Don'ts" and the guidance on the application of section 12. For ease of reference I again provide the link to the ICO guidance on the application of section 12 and I would draw your particular attention to page 12 which provides further detail on the aggregation of requests:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We are aware of public interest in this subject and have responded to a large number of requests on this matter and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

I would urge you to take the time to read and consider the above before submitting further requests. If, having considered the above, you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests.

Once again, we suggest that you prioritise the information that is of most importance ahead of submitting any further requests to ensure that you are able to make the best use of the processing time available to you under the FOI Act. To be clear, splitting requests up amongst a group of other individuals does not circumvent the cost limit as explained above and we would encourage you to avoid taking this approach and would also draw your attention to the ICO's guidance on section 14 which could be relevant in certain circumstances: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 07 May 2021 10:56

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>; ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.



This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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From: [REDACTED] <[REDACTED]@googlemail.com>  
To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will not be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TFL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

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I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

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Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your->

[data-matters/official-information/](#) which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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## Jacob Gemma

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**Sent:** 07 June 2021 09:46  
**Subject:** FW: FOI - "Cycling grants london" - totals CRM:0140028

Dear [REDACTED]

I am contacting you with regards to your email of 10 May 2021. Following your email a review has been carried out by individuals who were not involved in the handling of your request. You have disputed the response provided which advised that your request was being refused under section 12 of the FOI Act due to the appropriate cost limit being exceeded.

Your original FOI requests asked for the following –

10 April 2021 (FOI-0080-2122)

**In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.**

- 1. Can you please state the total number of applications made and submitted to TfL seeking the grants?**
- 2. How many of those applications were then awarded?**
- 3. The total (£) value of those awarded grants?**
- 4. Please release a breakdown by borough showing the total number of applications made.**
- 5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?**
- 6. What KPIs were used to benchmark the success of any of those grants?**
- 7. What were the terms of those grants?**
- 8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?**
- 9. If yes, what are those schemes and how much was awarded and to which boroughs?**
- 10. If no schemes for protected groups, why not?**

28 April 2021 (FOI-0187-2122)

**On November 23rd a letter was issued to Gareth Powell from Rupert Furness at DfT stating the terms of the active travel fund.**

**On page two (the relevant paragraph is attached to this email as an image)**

**Stats that TfL will be providing the DfT with the output monitoring data for:**

- A) when schemes are complete (installed)**
- B) at 6 months after completion**
- C) at 12 months after completion**

**Please therefore release all of this data which relates to environmental changes and plans which affects every london resident, business owner and student - of which environmental matters must be answered and provided for by law.**

**Please ensure all evaluation data for A & B above are released for each borough, specifically Enfield**

4 May 2021 (FOI-0231-2122)

**1. In the image attached it shows fox lane LTN consultation page which can be found here: [https://letstalk.enfield.gov.uk/foxlaneQN/survey\\_tools/statutory-consultation1](https://letstalk.enfield.gov.uk/foxlaneQN/survey_tools/statutory-consultation1)**

Within it, it states that “The trial is being funded from the Transport for London Streetspace Programme, an initiative that has been launched in response to the COVID-19 pandemic.”

- A) Can you therefore please advise what the total allocation for this scheme was?
- B) if this was allocated from Tranche 1 or Tranche 2?
- C) whether this relates to streetspace guidelines?
- D) was the funding issued as active travel funds ATF or emergency active travel funds EATF?
- E) who issued the guidance and on what date?
- F) what are the terms issued to tfl from DFT in order to receive and allocate the funding?

**2. On your website consultation for streetspace consultation**

(<https://consultations.tfl.gov.uk/general/streetspace-for-london/consultation/subpage.2020-10-19.2329535760/>) it does not list Enfield on there (also as shown in image attached)

- A) what assessment was made by TfL to not include Enfield on this consultation?
- B) who is responsible for that assessment?
- C) what guidelines and information is available to Enfield residents about how to consult with you about streetspace schemes in Enfield?
- D) would any such time that has elapsed since that streetspace TFL consultation opened be given back to Enfield residents as a way to remedy their lack of inclusion and involvement?
- E) where is the equality impact assessment for this scheme?
- F) do you access equality impact assessments for each individual borough prior to issuing funds?
- G) do you have any further consultations that are active specifically for protected groups and their carers?

**3. In this FOI (<https://tfl.gov.uk/corporate/transparency/freedom-of-information/foi-request-detail?referenceId=FOI-2008-2021>) within the attachment “LSP LTN commitments” it only states Bowes for Enfield at 160k under tranche 2.**

- A) can you please advise what the 160k for Bowes LTN “under tranche 2” was awarded for?
- B) can you clarify when you say “allocated” what exactly does that mean and who is in possession of the funds?
- C) where is fox lane on this FOI declaration of funding allocations?
- D) where is Connaught gardens on this FOI declaration of funding allocations?

**4. On this link you support and advocate “Sustrans” and refer to their interactive map. They state that boundary roads remain open (as a through route) for cars.**

- A) Have you informed them of this?
- B) if so, when?
- C) if not, have TFL informed Sustrans that not all boundary roads of LTNs remain open to through traffic?
- D) when did TfL advise Sustrans of this correct information?
- e) within their interactive map, who supplied the data they included within it? TFL?

**5. A) Can TFL confirm based on their data and decisions on funding whether any footways we’re made wider in Enfield through any covid-19 related funding?**

- B) if they do exist please state where those pedestrian (only - not combined with cycling) schemes are and what the award for those were (£)
- C) if they do not exist, can you please state who from Enfield Council did not request any funding for widening of footways in their bids nor request any funding for this in any correspondence with you?

To provide you with a little more context with regards to your request for information, section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to-

- (a) either comply with the request in its entirety or;
- (b) confirm or deny whether the requested information is held.

The estimate must be reasonable in the circumstances of the case and where we claim that section 12 is engaged, we should, where reasonable, provide advice and assistance to help the requestor to refine the request so that it can be dealt with under the appropriate limit. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Additionally in such circumstances as may be prescribed, where two or more requests for information are made to a public authority within a consecutive 60 working day period-

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them. We do not have to make a precise calculation of the costs of complying with a request(s); instead only an estimate is required. However, it must be a reasonable estimate.

A realistic estimate is one based on the time it would take to obtain the requested information from the relevant records or files as they existed at the time of the request, or up to the date for statutory compliance with the request. We are not obliged to search for, or compile some of the requested information before refusing a request that we estimate will exceed the appropriate limit. Instead, we can rely on having cogent arguments and/or evidence in support of the reasonableness of its estimate. However, it is likely that we will sometimes carry out some initial searches before deciding to claim section 12. This is because it may only become apparent that section 12 is engaged once some work in attempting to comply with the request has been undertaken. If we do start to carry out some searches without an initial estimate, we can stop searching as soon as we realise that it would exceed the appropriate limit to fully comply with a request and we are not obliged to search up to the appropriate limit.

To be clear this approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign, which was explained to you both within our response of 7 May and also within the ICO guidance we provided a link to in our response of 7 May relating to the “Dos and Don’ts” and the guidance on the application of section 12. Splitting requests up amongst a group of other individuals does not circumvent the cost limit as previously explained and we would encourage you to avoid taking this approach.

The mentioned ICO guidance was also provided again in your direct correspondence with the FOI Manager – Lee Hill – on the 7 May where he endeavoured to provide you with further advice and assistance regarding prioritising the information which is off most importance to you to make the best use of the FOI Act.

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the three outlined requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued. It is also worth noting that the above cost exemption is in addition to the staff resource that has already been spent responding to the requests which you submitted on 8 March 2012 (FOI-2494-2021), 12 March 2012 (FOI-2563-2021), 29 March 2012 (FOI-2750-2021), 10 May 2021 (FOI-0277-2122) & 30 May 2021 (FOI-0227-2122).

As advised we have responded to a large number of requests on this matter due to the public’s continued interest on this subject and continue to do so. However, on occasions where the cost limit is breached we

are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

Having reviewed the cases in question and the advice which has been provided to you a several occasions by different members of the FOI Case Management Team through our correspondence with you, responses to your FOI requests and subsequent Internal Review appeals, we are satisfied that s12 of the FOIA has been appropriately applied on this occasion.

We appreciate that the above response may come as a disappointment to you, however we hope it has provided a better clarity in regards to the response provided to your request. If you are dissatisfied with the internal review actions to date please do not hesitate to contact me or alternately you can refer the matter to the independent authority responsible for enforcing the Freedom of Information Act, at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

A complaint form is also available on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)).

Yours sincerely

Emma Flint  
Principal Information Access Adviser  
FOI Case Management Team  
Transport for London  
[foi@tfl.gov.uk](mailto:foi@tfl.gov.uk)

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 10 May 2021 14:33  
**To:** FOI <Fol@tfl.gov.uk>; ICO Casework <icocasework@ico.org.uk>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Proceed with Internal view

Please also supply:

1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?

2 - For question one, What are the totals numbers per month?

3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?

4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?



5 - For Question four, What are the FOI request totals for each month in 2020?

6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>  
**Sent:** 10 May 2021 14:02  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

On Mon, 10 May 2021 at 13:56 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

A response to your request was issued on 7 May, which you have already been in contact with us about.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>  
**Sent:** 08 May 2021 11:56  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

TfL you are late in responding to this FOI which you state will be sent to me by May 7th. It is now the 8th - the weekend and no such response has been received.

You should respond at latest by Monday 10th May.

The ICO are already notified of your inability to comply

On Wed, 14 Apr 2021 at 14:41 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021

Thank you for your request received by Transport for London (TfL) on 10 April 2021.

We will aim to issue a response by **7 May 2021** in accordance with the Freedom of Information Act 2000 and our information access policy.

However, please think carefully about whether the request is essential at this current time, as answering FOI requests will require the use of limited resources and the attention of staff who could be supporting other essential activity. Where requests are made, please note that our response time may be impacted by the current situation and so you may wish to reconsider the timing of this request. Please notify us as soon as possible if you would like to withdraw your request at the current time.

We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance. This includes data which is frequently asked for in FOI requests or other public queries. Please check <http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

We will publish anonymised versions of requests and responses on the [www.tfl.gov.uk](http://www.tfl.gov.uk) website. We will not publish your name and we will send a copy of the response to you before it is published on our website.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [REDACTED] <[REDACTED]@[googlemail.com](mailto:googlemail.com)>

**Sent:** 10 April 2021 08:14

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Subject:** FOI - "Cycling grants london" - totals

Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
2. How many of those applications were then awarded?
3. The total (£) value of those awarded grants?
4. Please release a breakdown by borough showing the total number of applications made.
5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?
6. What KPIs were used to benchmark the success of any of those grants?
7. What were the terms of those grants?
8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs?
10. If no schemes for protected groups, why not?

Best regards,

[Redacted]

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----- Forwarded message -----

From: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

To: "[Redacted]@googlemail.com" <[Redacted]@googlemail.com>, "[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)" <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

Cc:

Bcc:

Date: Fri, 7 May 2021 10:52:19 +0000

Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the your three requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued.

As also explained, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Therefore the same approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign and I can see that this was explained to you both within our response and also within the ICO guidance we provided a link to in our response relating to the "Dos and Don'ts" and the guidance on the application of section 12. For ease of reference I again provide the link to the ICO guidance on the application of section 12 and I would draw your particular attention to page 12 which provides further detail on the aggregation of requests:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We are aware of public interest in this subject and have responded to a large number of requests on this matter and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

I would urge you to take the time to read and consider the above before submitting further requests. If, having considered the above, you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests.

Once again, we suggest that you prioritise the information that is of most importance ahead of submitting any further requests to ensure that you are able to make the best use of the processing time available to you under the FOI Act. To be clear, splitting requests up amongst a group of other individuals does not circumvent the cost limit as explained above and we would encourage you to avoid taking this approach and would also draw your attention to the ICO's guidance on section 14 which could be relevant in certain circumstances: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 07 May 2021 10:56

**To:** FOI <Fol@tfl.gov.uk>; ICO Casework <icocasework@ico.org.uk>

**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 **hours' work**.

**Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.**

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost

limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the “dos and don’ts” published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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----- Forwarded message -----

From: [REDACTED] <[REDACTED]@googlemail.com>  
To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will not be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TfL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:

TfL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the “dos and don’ts” published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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## Jacob Gemma

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**Sent:** 07 June 2021 09:46  
**Subject:** FW: FOI - "Cycling grants london" - totals CRM:0140028

Dear [REDACTED]

I am contacting you with regards to your email of 10 May 2021. Following your email a review has been carried out by individuals who were not involved in the handling of your request. You have disputed the response provided which advised that your request was being refused under section 12 of the FOI Act due to the appropriate cost limit being exceeded.

Your original FOI requests asked for the following –

10 April 2021 (FOI-0080-2122)

**In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.**

- 1. Can you please state the total number of applications made and submitted to TfL seeking the grants?**
- 2. How many of those applications were then awarded?**
- 3. The total (£) value of those awarded grants?**
- 4. Please release a breakdown by borough showing the total number of applications made.**
- 5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?**
- 6. What KPIs were used to benchmark the success of any of those grants?**
- 7. What were the terms of those grants?**
- 8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?**
- 9. If yes, what are those schemes and how much was awarded and to which boroughs?**
- 10. If no schemes for protected groups, why not?**

28 April 2021 (FOI-0187-2122)

**On November 23rd a letter was issued to Gareth Powell from Rupert Furness at DfT stating the terms of the active travel fund.**

**On page two (the relevant paragraph is attached to this email as an image)**

**Stats that TfL will be providing the DfT with the output monitoring data for:**

- A) when schemes are complete (installed)**
- B) at 6 months after completion**
- C) at 12 months after completion**

**Please therefore release all of this data which relates to environmental changes and plans which affects every london resident, business owner and student - of which environmental matters must be answered and provided for by law.**

**Please ensure all evaluation data for A & B above are released for each borough, specifically Enfield**

4 May 2021 (FOI-0231-2122)

**1. In the image attached it shows fox lane LTN consultation page which can be found here: [https://letstalk.enfield.gov.uk/foxlaneQN/survey\\_tools/statutory-consultation1](https://letstalk.enfield.gov.uk/foxlaneQN/survey_tools/statutory-consultation1)**

Within it, it states that “The trial is being funded from the Transport for London Streetspace Programme, an initiative that has been launched in response to the COVID-19 pandemic.”

- A) Can you therefore please advise what the total allocation for this scheme was?
- B) if this was allocated from Tranche 1 or Tranche 2?
- C) whether this relates to streetspace guidelines?
- D) was the funding issued as active travel funds ATF or emergency active travel funds EATF?
- E) who issued the guidance and on what date?
- F) what are the terms issued to tfl from DFT in order to receive and allocate the funding?

**2. On your website consultation for streetspace consultation**

(<https://consultations.tfl.gov.uk/general/streetspace-for-london/consultation/subpage.2020-10-19.2329535760/>) it does not list Enfield on there (also as shown in image attached)

- A) what assessment was made by TfL to not include Enfield on this consultation?
- B) who is responsible for that assessment?
- C) what guidelines and information is available to Enfield residents about how to consult with you about streetspace schemes In Enfield?
- D) would any such time that has elapsed since that streetspace TFL consultation opened be given back to Enfield residents as a way to remedy their lack of inclusion and involvement?
- E) where is the equality impact assessment for this scheme?
- F) do you access equality impact assessments for each individual borough prior to issuing funds?
- G) do you have any further consultations that are active specifically for protected groups and their carers?

**3. In this FOI (<https://tfl.gov.uk/corporate/transparency/freedom-of-information/foi-request-detail?referenceId=FOI-2008-2021>) within the attachment “LSP LTN commitments” it only states Bowes for Enfield at 160k under tranche 2.**

- A) can you please advise what the 160k for Bowes LTN “under tranche 2” was awarded for?
- B) can you clarify when you say “allocated” what exactly does that mean and who is in possession of the funds?
- C) where is fox lane on this FOI declaration of funding allocations?
- D) where is Connaught gardens on this FOI declaration of funding allocations?

**4. On this link you support and advocate “Sustrans” and refer to their interactive map. They state that boundary roads remain open (as a through route) for cars.**

- A) Have you informed them of this?
- B) if so, when?
- C) if not, have TFL informed Sustrans that not all boundary roads of LTNs remain open to through traffic?
- D) when did TfL advise Sustrans of this correct information?
- e) within their interactive map, who supplied the data they included within it? TFL?

**5. A) Can TFL confirm based on their data and decisions on funding whether any footways we’re made wider in Enfield through any covid-19 related funding?**

- B) if they do exist please state where those pedestrian (only - not combined with cycling) schemes are and what the award for those were (£)
- C) if they do not exist, can you please state who from Enfield Council did not request any funding for widening of footways in their bids nor request any funding for this in any correspondence with you?

To provide you with a little more context with regards to your request for information, section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to-

- (a) either comply with the request in its entirety or;
- (b) confirm or deny whether the requested information is held.

The estimate must be reasonable in the circumstances of the case and where we claim that section 12 is engaged, we should, where reasonable, provide advice and assistance to help the requestor to refine the request so that it can be dealt with under the appropriate limit. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Additionally in such circumstances as may be prescribed, where two or more requests for information are made to a public authority within a consecutive 60 working day period-

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them. We do not have to make a precise calculation of the costs of complying with a request(s); instead only an estimate is required. However, it must be a reasonable estimate.

A realistic estimate is one based on the time it would take to obtain the requested information from the relevant records or files as they existed at the time of the request, or up to the date for statutory compliance with the request. We are not obliged to search for, or compile some of the requested information before refusing a request that we estimate will exceed the appropriate limit. Instead, we can rely on having cogent arguments and/or evidence in support of the reasonableness of its estimate. However, it is likely that we will sometimes carry out some initial searches before deciding to claim section 12. This is because it may only become apparent that section 12 is engaged once some work in attempting to comply with the request has been undertaken. If we do start to carry out some searches without an initial estimate, we can stop searching as soon as we realise that it would exceed the appropriate limit to fully comply with a request and we are not obliged to search up to the appropriate limit.

To be clear this approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign, which was explained to you both within our response of 7 May and also within the ICO guidance we provided a link to in our response of 7 May relating to the “Dos and Don’ts” and the guidance on the application of section 12. Splitting requests up amongst a group of other individuals does not circumvent the cost limit as previously explained and we would encourage you to avoid taking this approach.

The mentioned ICO guidance was also provided again in your direct correspondence with the FOI Manager – Lee Hill – on the 7 May where he endeavoured to provide you with further advice and assistance regarding prioritising the information which is off most importance to you to make the best use of the FOI Act.

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the three outlined requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued. It is also worth noting that the above cost exemption is in addition to the staff resource that has already been spent responding to the requests which you submitted on 8 March 2012 (FOI-2494-2021), 12 March 2012 (FOI-2563-2021), 29 March 2012 (FOI-2750-2021), 10 May 2021 (FOI-0277-2122) & 30 May 2021 (FOI-0227-2122).

As advised we have responded to a large number of requests on this matter due to the public’s continued interest on this subject and continue to do so. However, on occasions where the cost limit is breached we

are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

Having reviewed the cases in question and the advice which has been provided to you a several occasions by different members of the FOI Case Management Team through our correspondence with you, responses to your FOI requests and subsequent Internal Review appeals, we are satisfied that s12 of the FOIA has been appropriately applied on this occasion. Finally as s12 of the Freedom of Information Act is not a qualified exemption it does not require consideration of the public interest test.

We appreciate that the above response may come as a disappointment to you, however we hope it has provided a better clarity in regards to the response provided to your request. If you are dissatisfied with the internal review actions to date please do not hesitate to contact me or alternately you can refer the matter to the independent authority responsible for enforcing the Freedom of Information Act, at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

A complaint form is also available on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)).

Yours sincerely

Emma Flint  
Principal Information Access Adviser  
FOI Case Management Team  
Transport for London  
[foi@tfl.gov.uk](mailto:foi@tfl.gov.uk)

## Jacob Gemma

---

**From:** Hill Lee  
**Sent:** 11 May 2021 10:00  
**To:** Flint Emma; Jacob Gemma  
**Subject:** FW: FOI - "Cycling grants london" - totals CRM:0140028

**Categories:** Tracked To Dynamics 365

Thanks Emma,

Could you please pick this IRV up (if you haven't already!) and we can discuss in more detail when we next have a catch up.

**Gemma** – could you please log the below questions as a new request (it won't be complex). I think it is reasonable that we give him FY figures and period figures instead of the specific dates he requested as that's the way we report on this and will cover what he's after anyway. For question 3 we don't have the facility to accurately report on that for the timeframes specified but we could provide an estimate.

I can give you all of this information once it's logged and acknowledged. And this reminds me that I needed to ask you to publish the latest FY stats on the website too please - 2,203 FOI and EIR cases received, of which 2,202 were replied to within the statutory deadline (99.95%).

Thanks

Lee

---

**From:** FOI <Fol@tfl.gov.uk>  
**Sent:** 11 May 2021 08:01  
**To:** Hill Lee <[REDACTED]@tfl.gov.uk>  
**Subject:** FW: FOI - "Cycling grants london" - totals CRM:0140028

Fyi

Emma

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 10 May 2021 14:33  
**To:** FOI <Fol@tfl.gov.uk>; ICO Casework <icocasework@ico.org.uk>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Proceed with Internal view

Please also supply:

1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?

2 - For question one, What are the totals numbers per month?

3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?

4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?

5 - For Question four, What are the FOI request totals for each month in 2020?

6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>

**Sent:** 10 May 2021 14:02

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

On Mon, 10 May 2021 at 13:56 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

A response to your request was issued on 7 May, which you have already been in contact with us about.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>  
**Sent:** 08 May 2021 11:56  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

TFL you are late in responding to this FOI which you state will be sent to me by May 7th. It is now the 8th - the weekend and no such response has been received.

You should respond at latest by Monday 10th May.

The ICO are already notified of your inability to comply

On Wed, 14 Apr 2021 at 14:41 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021

Thank you for your request received by Transport for London (TfL) on 10 April 2021.

We will aim to issue a response by **7 May 2021** in accordance with the Freedom of Information Act 2000 and our information access policy.

However, please think carefully about whether the request is essential at this current time, as answering FOI requests will require the use of limited resources and the attention of staff who could be supporting other essential activity. Where requests are made, please note that our response time may be impacted by the current situation and so you may wish to reconsider the timing of this request. Please notify us as soon as possible if you would like to withdraw your request at the current time.

We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance. This includes data which is frequently asked for in FOI requests or other public queries. Please check <http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

We will publish anonymised versions of requests and responses on the [www.tfl.gov.uk](http://www.tfl.gov.uk) website. We will not publish your name and we will send a copy of the response to you before it is published on our website.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 10 April 2021 08:14

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Subject:** FOI - "Cycling grants london" - totals



Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
2. How many of those applications were then awarded?
3. The total (£) value of those awarded grants?
4. Please release a breakdown by borough showing the total number of applications made.
5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?
6. What KPIs were used to benchmark the success of any of those grants?
7. What were the terms of those grants?
8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs? \_\_\_\_\_
10. If no schemes for protected groups, why not?

Best regards,

██████████

\*\*\*\*\*

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From: FOI <Fol@tfl.gov.uk>

To: "[REDACTED]@googlemail.com" <[REDACTED]@googlemail.com>, "[REDACTED]@ico.org.uk" <[REDACTED]@ico.org.uk>

Cc:

Bcc:

Date: Fri, 7 May 2021 10:52:19 +0000

Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the your three requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued.

As also explained, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Therefore the same approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign and I can see that this was explained to you both within our response and also within the ICO guidance we provided a link to in our response relating to the "Dos and Don'ts" and the guidance on the application of section 12. For ease of reference I again provide the link to the ICO guidance on the application of section 12 and I would draw your particular attention to page 12 which provides further detail on the aggregation of requests:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We are aware of public interest in this subject and have responded to a large number of requests on this matter and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

I would urge you to take the time to read and consider the above before submitting further requests. If, having considered the above, you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests.

Once again, we suggest that you prioritise the information that is of most importance ahead of submitting any further requests to ensure that you are able to make the best use of the processing time available to you under the FOI Act. To be clear, splitting requests up amongst a group of other individuals does not circumvent the cost limit as explained above and we would encourage you to avoid taking this approach and would also draw your attention to the ICO's guidance on section 14 which could be relevant in certain circumstances: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 07 May 2021 10:56

**To:** FOI <Fol@tfl.gov.uk>; ICO Casework <icocasework@ico.org.uk>

**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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From: [REDACTED] <[REDACTED]@googlemail.com>  
To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will not be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TFL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your->

[data-matters/official-information/](#) which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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## Jacob Gemma

---

**From:** FOI  
**Sent:** 07 June 2021 09:46  
**To:** [REDACTED]  
**Subject:** IRV-007-2122

Dear [REDACTED]

I am contacting you with regards to your email of 10 May 2021. Following your email a review has been carried out by individuals who were not involved in the handling of your request. You have disputed the response provided which advised that your request was being refused under section 12 of the FOI Act due to the appropriate cost limit being exceeded.

Your original FOI requests asked for the following –

10 April 2021 (FOI-0080-2122)

**In 2018 you funded a programme called “Cycling Grants London” which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.**

- 1. Can you please state the total number of applications made and submitted to TfL seeking the grants?**
- 2. How many of those applications were then awarded?**
- 3. The total (£) value of those awarded grants?**
- 4. Please release a breakdown by borough showing the total number of applications made.**
- 5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?**
- 6. What KPIs were used to benchmark the success of any of those grants?**
- 7. What were the terms of those grants?**
- 8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?**
- 9. If yes, what are those schemes and how much was awarded and to which boroughs?**
- 10. If no schemes for protected groups, why not?**

28 April 2021 (FOI-0187-2122)

**On November 23rd a letter was issued to Gareth Powell from Rupert Furness at DfT stating the terms of the active travel fund.**

**On page two (the relevant paragraph is attached to this email as an image)**

**Stats that TfL will be providing the DfT with the output monitoring data for:**

- A) when schemes are complete (installed)**
- B) at 6 months after completion**
- C) at 12 months after completion**

**Please therefore release all of this data which relates to environmental changes and plans which affects every london resident, business owner and student - of which environmental matters must be answered and provided for by law.**

**Please ensure all evaluation data for A & B above are released for each borough, specifically Enfield**

4 May 2021 (FOI-0231-2122)

- 1. In the image attached it shows fox lane LTN consultation page which can be found here:**

[https://letstalk.enfield.gov.uk/foxlaneQN/survey\\_tools/statutory-consultation1](https://letstalk.enfield.gov.uk/foxlaneQN/survey_tools/statutory-consultation1)

Within it, it states that “The trial is being funded from the Transport for London Streetspace Programme, an initiative that has been launched in response to the COVID-19 pandemic.”

- A) Can you therefore please advise what the total allocation for this scheme was?
- B) if this was allocated from Tranche 1 or Tranche 2?
- C) whether this relates to streetspace guidelines?
- D) was the funding issued as active travel funds ATF or emergency active travel funds EATF?
- E) who issued the guidance and on what date?
- F) what are the terms issued to tfl from DFT in order to receive and allocate the funding?

**2. On your website consultation for streetspace consultation**

(<https://consultations.tfl.gov.uk/general/streetspace-for-london/consultation/subpage.2020-10-19.2329535760/>) it does not list Enfield on there (also as shown in image attached)

- A) what assessment was made by TfL to not include Enfield on this consultation?
- B) who is responsible for that assessment?
- C) what guidelines and information is available to Enfield residents about how to consult with you about streetspace schemes in Enfield?
- D) would any such time that has elapsed since that streetspace TFL consultation opened be given back to Enfield residents as a way to remedy their lack of inclusion and involvement?
- E) where is the equality impact assessment for this scheme?
- F) do you access equality impact assessments for each individual borough prior to issuing funds?
- G) do you have any further consultations that are active specifically for protected groups and their carers?

**3. In this FOI (<https://tfl.gov.uk/corporate/transparency/freedom-of-information/foi-request-detail?referenceId=FOI-2008-2021>) within the attachment “LSP LTN commitments” it only states Bowes for Enfield at 160k under tranche 2.**

- A) can you please advise what the 160k for Bowes LTN “under tranche 2” was awarded for?
- B) can you clarify when you say “allocated” what exactly does that mean and who is in possession of the funds?
- C) where is fox lane on this FOI declaration of funding allocations?
- D) where is Connaught gardens on this FOI declaration of funding allocations?

**4. On this link you support and advocate “Sustrans” and refer to their interactive map. They state that boundary roads remain open (as a through route) for cars.**

- A) Have you informed them of this?
- B) if so, when?
- C) if not, have TFL informed Sustrans that not all boundary roads of LTNs remain open to through traffic?
- D) when did TfL advise Sustrans of this correct information?
- e) within their interactive map, who supplied the data they included within it? TFL?

**5. A) Can TFL confirm based on their data and decisions on funding whether any footways we’re made wider in Enfield through any covid-19 related funding?**

- B) if they do exist please state where those pedestrian (only - not combined with cycling) schemes are and what the award for those were (£)
- C) if they do not exist, can you please state who from Enfield Council did not request any funding for widening of footways in their bids nor request any funding for this in any correspondence with you?

To provide you with a little more context with regards to your request for information, section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to-

- (a) either comply with the request in its entirety or;

(b) confirm or deny whether the requested information is held.

The estimate must be reasonable in the circumstances of the case and where we claim that section 12 is engaged, we should, where reasonable, provide advice and assistance to help the requestor to refine the request so that it can be dealt with under the appropriate limit. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Additionally in such circumstances as may be prescribed, where two or more requests for information are made to a public authority within a consecutive 60 working day period-

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them. We do not have to make a precise calculation of the costs of complying with a request(s); instead only an estimate is required. However, it must be a reasonable estimate.

A realistic estimate is one based on the time it would take to obtain the requested information from the relevant records or files as they existed at the time of the request, or up to the date for statutory compliance with the request. We are not obliged to search for, or compile some of the requested information before refusing a request that we estimate will exceed the appropriate limit. Instead, we can rely on having cogent arguments and/or evidence in support of the reasonableness of its estimate. However, it is likely that we will sometimes carry out some initial searches before deciding to claim section 12. This is because it may only become apparent that section 12 is engaged once some work in attempting to comply with the request has been undertaken. If we do start to carry out some searches without an initial estimate, we can stop searching as soon as we realise that it would exceed the appropriate limit to fully comply with a request and we are not obliged to search up to the appropriate limit.

To be clear this approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign, which was explained to you both within our response of 7 May and also within the ICO guidance we provided a link to in our response of 7 May relating to the "Dos and Don'ts" and the guidance on the application of section 12. Splitting requests up amongst a group of other individuals does not circumvent the cost limit as previously explained and we would encourage you to avoid taking this approach.

The mentioned ICO guidance was also provided again in your direct correspondence with the FOI Manager – Lee Hill – on the 7 May where he endeavoured to provide you with further advice and assistance regarding prioritising the information which is off most importance to you to make the best use of the FOI Act.

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the three outlined requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued. It is also worth noting that the above cost exemption is in addition to the staff resource that has already been spent responding to the requests which you submitted on 8 March 2012 (FOI-2494-2021), 12 March 2012 (FOI-2563-2021), 29 March 2012 (FOI-2750-2021), 10 May 2021 (FOI-0277-2122) & 30 May 2021 (FOI-0227-2122).

As advised we have responded to a large number of requests on this matter due to the public's continued interest on this subject and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

Having reviewed the cases in question and the advice which has been provided to you a several occasions by different members of the FOI Case Management Team through our correspondence with you and responses to your FOI requests and subsequent Internal Review appeals, we are satisfied that s12 of the FOIA has been appropriately applied on this occasion. Finally as s12 of the Freedom of Information Act is not a qualified exemption it does not require consideration of the public interest test.

We appreciate that the above response may come as a disappointment to you, however we hope it has provided a better clarity in regards to the response provided to your requests. If you are dissatisfied with the internal review actions to date please do not hesitate to contact me or alternately you can refer the matter to the independent authority responsible for enforcing the Freedom of Information Act, at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

A complaint form is also available on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)).

Yours sincerely

Emma Flint  
Principal Information Access Adviser  
FOI Case Management Team  
Transport for London  
[foi@tfl.gov.uk](mailto:foi@tfl.gov.uk)

## Jacob Gemma

---

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 07 June 2021 08:39  
**To:** FOI; ICO Casework  
**Subject:** FOI-0231-2122 FOI-0080-2021 & FOI-0187-2122

TfL,

The 3 FOIs above are overdue, despite your alleged reasons to avoid completing the requests which are unfounded and meritless.

A response is therefore sought no later than today.

The ICO are copied for their ongoing investigation into your unacceptable handling and misapplication of the FOIA.

Please ensure the ICO are copied in all correspondence. They have my consent to close the investigations should the responses be made in full, no later than today. Otherwise, I do not consent for the investigation to close.

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:33 [REDACTED] <[REDACTED]@googlemail.com> wrote:  
Proceed with Internal view

Please also supply:

- 1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?
- 2 - For question one, What are the totals numbers per month?
- 3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?
- 4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?
- 5 - For Question four, What are the FOI request totals for each month in 2020?
- 6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 10 May 2021 14:02  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

On Mon, 10 May 2021 at 13:56 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

A response to your request was issued on 7 May, which you have already been in contact with us about.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 08 May 2021 11:56  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

TFL you are late in responding to this FOI which you state will be sent to me by May 7th. It is now the 8th - the weekend and no such response has been received.

You should respond at latest by Monday 10th May.

The ICO are already notified of your inability to comply

On Wed, 14 Apr 2021 at 14:41 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021

Thank you for your request received by Transport for London (TfL) on 10 April 2021.

We will aim to issue a response by **7 May 2021** in accordance with the Freedom of Information Act 2000 and our information access policy.

However, please think carefully about whether the request is essential at this current time, as answering FOI requests will require the use of limited resources and the attention of staff who could be supporting other essential activity. Where requests are made, please note that our response time may be impacted by the current situation and so you may wish to reconsider the timing of this request. Please notify us as soon as possible if you would like to withdraw your request at the current time.

We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance. This includes data which is frequently asked for in FOI requests or other public queries. Please check <http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

We will publish anonymised versions of requests and responses on the [www.tfl.gov.uk](http://www.tfl.gov.uk) website. We will not publish your name and we will send a copy of the response to you before it is published on our website.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 10 April 2021 08:14

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Subject:** FOI - "Cycling grants london" - totals

Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
2. How many of those applications were then awarded?
3. The total (£) value of those awarded grants?

4. Please release a breakdown by borough showing the total number of applications made.
5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?
6. What KPIs were used to benchmark the success of any of those grants?
7. What were the terms of those grants?
8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs?
10. If no schemes for protected groups, why not?

Best regards,

[REDACTED]

\*\*\*\*\*

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\*\*\*\*\*

----- Forwarded message -----

From: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

To: "[REDACTED]@[googlemail.com](mailto:googlemail.com)" <[REDACTED]@[googlemail.com](mailto:googlemail.com)>, "[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)" <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

Cc:

Bcc:

Date: Fri, 7 May 2021 10:52:19 +0000

Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the your three requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued.



As also explained, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Therefore the same approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign and I can see that this was explained to you both within our response and also within the ICO guidance we provided a link to in our response relating to the “Dos and Don’ts” and the guidance on the application of section 12. For ease of reference I again provide the link to the ICO guidance on the application of section 12 and I would draw your particular attention to page 12 which provides further detail on the aggregation of requests:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We are aware of public interest in this subject and have responded to a large number of requests on this matter and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

I would urge you to take the time to read and consider the above before submitting further requests. If, having considered the above, you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests.

Once again, we suggest that you prioritise the information that is of most importance ahead of submitting any further requests to ensure that you are able to make the best use of the processing time available to you under the FOI Act. To be clear, splitting requests up amongst a group of other individuals does not circumvent the cost limit as explained above and we would encourage you to avoid taking this approach and would also draw your attention to the ICO’s guidance on section 14 which could be relevant in certain circumstances: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 07 May 2021 10:56

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>; ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either

way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

\*\*\*\*\*

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----- Forwarded message -----

From: [REDACTED] <[REDACTED]@googlemail.com>  
To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will not be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TFL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:  
TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <Fol@tfl.gov.uk> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the

information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the “dos and don’ts” published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

\*\*\*\*\*

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## Jacob Gemma

---

**From:** Hill Lee  
**Sent:** 07 June 2021 09:57  
**To:** Flint Emma  
**Subject:** FW: FOI-0231-2122 FOI-0080-2021 & FOI-0187-2122

fyi

---

**From:** FOI  
**Sent:** 07 June 2021 09:57  
**To:** [REDACTED] <[REDACTED]@googlemail.com>; ICO Casework <icocasework@ico.org.uk>  
**Subject:** RE: FOI-0231-2122 FOI-0080-2021 & FOI-0187-2122

Dear [REDACTED]

The FOI requests you refer to are not overdue, a response was issued on 7 May as you are fully aware and is discussed previously in this email chain.

As you are also aware, you appealed the refusal notice issued in that response and an internal review is underway which we expect to complete by tomorrow, in line with the deadline you were advised of.

Yours sincerely

Lee Hill  
Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 07 June 2021 08:39  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>; ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
**Subject:** FOI-0231-2122 FOI-0080-2021 & FOI-0187-2122

TfL,

The 3 FOIs above are overdue, despite your alleged reasons to avoid completing the requests which are unfounded and meritless.

A response is therefore sought no later than today.

The ICO are copied for their ongoing investigation into your unacceptable handling and misapplication of the FOIA.

Please ensure the ICO are copied in all correspondence. They have my consent to close the investigations should the responses be made in full, no later than today. Otherwise, I do not consent for the investigation to close.

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:33 [REDACTED] <[REDACTED]@googlemail.com> wrote:

Proceed with Internal view

Please also supply:

1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?

2 - For question one, What are the totals numbers per month?

3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?

4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?

5 - For Question four, What are the FOI request totals for each month in 2020?

6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>

**Sent:** 10 May 2021 14:02

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

On Mon, 10 May 2021 at 13:56 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

A response to your request was issued on 7 May, which you have already been in contact with us about.

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED][@googlemail.com](mailto:[REDACTED]@googlemail.com)>

**Sent:** 08 May 2021 11:56

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>

**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

TFL you are late in responding to this FOI which you state will be sent to me by May 7th. It is now the 8th - the weekend and no such response has been received.

You should respond at latest by Monday 10th May.

The ICO are already notified of your inability to comply

On Wed, 14 Apr 2021 at 14:41 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]



TfL Ref: FOI-0080-2021

Thank you for your request received by Transport for London (TfL) on 10 April 2021.

We will aim to issue a response by **7 May 2021** in accordance with the Freedom of Information Act 2000 and our information access policy.

However, please think carefully about whether the request is essential at this current time, as answering FOI requests will require the use of limited resources and the attention of staff who could be supporting other essential activity. Where requests are made, please note that our response time may be impacted by the current situation and so you may wish to reconsider the timing of this request. Please notify us as soon as possible if you would like to withdraw your request at the current time.

We publish a substantial range of information on our website on subjects including operational performance, contracts, expenditure, journey data, governance and our financial performance. This includes data which is frequently asked for in FOI requests or other public queries. Please check <http://www.tfl.gov.uk/corporate/transparency/> to see if this helps you.

We will publish anonymised versions of requests and responses on the [www.tfl.gov.uk](http://www.tfl.gov.uk) website. We will not publish your name and we will send a copy of the response to you before it is published on our website.

In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 10 April 2021 08:14  
**To:** FOI <[Foi@tfl.gov.uk](mailto:Foi@tfl.gov.uk)>  
**Subject:** FOI - "Cycling grants london" - totals

Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
2. How many of those applications were then awarded?
3. The total (£) value of those awarded grants?
4. Please release a breakdown by borough showing the total number of applications made.
5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?
6. What KPIs were used to benchmark the success of any of those grants?
7. What were the terms of those grants?
8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs?
10. If no schemes for protected groups, why not?

Best regards,

[REDACTED]

\*\*\*\*\*

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To: "[REDACTED]@googlemail.com" <[REDACTED]@googlemail.com>, "[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)" <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

Cc:

Bcc:

Date: Fri, 7 May 2021 10:52:19 +0000

Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the your three requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued.

As also explained, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Therefore the same approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign and I can see that this was explained to you both within our response and also within the ICO guidance we provided a link to in our response relating to the "Dos and Don'ts" and the guidance on the application of section 12. For ease of reference I again provide the link to the ICO guidance on the application of section 12 and I would draw

your particular attention to page 12 which provides further detail on the aggregation of requests:  
[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We are aware of public interest in this subject and have responded to a large number of requests on this matter and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

I would urge you to take the time to read and consider the above before submitting further requests. If, having considered the above, you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests.

Once again, we suggest that you prioritise the information that is of most importance ahead of submitting any further requests to ensure that you are able to make the best use of the processing time available to you under the FOI Act. To be clear, splitting requests up amongst a group of other individuals does not circumvent the cost limit as explained above and we would encourage you to avoid taking this approach and would also draw your attention to the ICO's guidance on section 14 which could be relevant in certain circumstances: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Yours sincerely

Lee Hill

Information Access Manager

**From:** [REDACTED] <[REDACTED]@googlemail.com>

**Sent:** 07 May 2021 10:56

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>; ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>

**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

\*\*\*\*\*

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To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will nor be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TfL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:

TfL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

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I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

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This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.



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We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the “dos and don’ts” published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

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Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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\*\*\*\*\*

## Jacob Gemma

---

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 10 May 2021 14:33  
**To:** FOI; ICO Casework  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Proceed with Internal view

Please also supply:

1 - What is the total number of FOI requests fulfilled by you in the last year May 8th 2020 to May 7th 2021?

2 - For question one, What are the totals numbers per month?

3 - How many for each of those months were deemed to be outside the scope of your ability to fulfill the request?

4 - What is the total number of FOI requests fulfilled by you from May 8th 2019 to May 7th 2020?

5 - For Question four, What are the FOI request totals for each month in 2020?

6- what was the largest number of questions asked within any FOIs from any of those periods?

Regards,

[REDACTED]

On Mon, 10 May 2021 at 14:28 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

As you are aware, some additional advice and assistance was provided to you in my email of 7 May, following our response to three of your FOI requests under case reference numbers FOI-0080-2021, FOI-0187-2122 and FOI-0231-2122. I have attached this for ease of reference.

As also explained in that email, if you would like to request an internal review then please confirm this and we will undertake a review into the handling of your requests. Alternatively you may wish to submit a refined request that prioritises the information that is of most importance to you.

Yours sincerely

Lee Hill

Information Access Manager

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**Sent:** 10 May 2021 14:02

**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Cc:** ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
**Subject:** Re: FOI - "Cycling grants london" - totals CRM:0140028

Your response doesn't answer the foi outstanding and you have decided to merge FOIs about LTNs with FOIs about cycling grants. Can you please explain why to the ICO on copy?

Please ensure you keep them on copy of all your responses to me.

Thanks

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Yours sincerely

Lee Hill

Information Access Manager

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In the meantime, if you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

**From:** [redacted] <[redacted]@googlemail.com>  
**Sent:** 10 April 2021 08:14  
**To:** FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>  
**Subject:** FOI - "Cycling grants london" - totals

Dear TfL,

In 2018 you funded a programme called "Cycling Grants London" which offered grants of up to £10,000 over 3 years to encourage london communities to cycle more.

1. Can you please state the total number of applications made and submitted to TfL seeking the grants?
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8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?
9. If yes, what are those schemes and how much was awarded and to which boroughs?
10. If no schemes for protected groups, why not?

Best regards,

[redacted]

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Cc:

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Subject: RE: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

Dear [REDACTED]

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Information Access Manager

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**Subject:** URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests

TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

If a cost is sought please advise what would be different if each FOI had arrived to you from separate member members of our 1.8k group calling for the removal of LTNs?

You should fulfil the FOI immediately or advise today if that will not be filed so they can be filed by the various separate members of the community without any further or unwarranted delays by you - either way the substance remains and you should ensure you assess whether it is in your best interest and in regard to resource whether you wish to encourage that alternative route by refusing to supply the below and exhaust your own resources further by failing to adhere to the FOIA - simply due to the significant level of public interest in this matter which gives rise to the volume of such requests.

I await the outstanding FOIs and if this is not fulfilled will be calling the ICO to ensure this is added to the LTN data refusal file.

Please confirm today.

On Fri, 7 May 2021 at 10:39 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

TfL Ref: FOI-0080-2021, FOI-0187-2122, FOI-0231-2122

Thank you for your requests received by Transport for London (TfL) on 10 April, 28 April and 4 May 2021.

You have now made a total of 7 FOI requests to TfL in a continuous period since 8 March 2021 up to and including the date of your most recent FOI request of 4 May 2021. Because of this, we are now applying an aggregate cost limit to the requests referenced above.

Section 12 of the Freedom of Information Act 2000 exempts public authorities from the obligation to disclose the information requested, if the cost of doing so exceeds a threshold prescribed by the Secretary of State (which is set at £450 or 18 hours of work at £25 per hour under the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.). These Regulations allow authorities to aggregate the costs of replying to requests for information where two or more requests are made by one person (or by different people who appear to be acting in concert) within a period of 60 working days, when the requests relate, to any extent, to the same or similar information.

This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

To help bring the cost of responding to your request within the £450 limit, you may wish to consider narrowing its scope so that we can more easily locate, retrieve and extract the information you are seeking. As we are issuing a refusal notice in relation to the aggregated cost limit you may wish to revise your requests and prioritise which information you require within the 18 hour limit, ensuring your request is as specific as possible.

We also suggest that, before submitting future requests, you consider which information is of the highest priority to ensure that the processing time available is spent on the information that is of most importance to you. Please also take into account the guidance and advice provided by the ICO such as the "dos and don'ts" published on its website here: <https://ico.org.uk/your-data-matters/official-information/> which will help you ensure you are able to make the best use of the FOI Act.

Further details on section 12 can be found at the following link: [https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

**Transport for London**

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The contents of this e-mail and any attached files are confidential. If you have received this email in error, please notify us immediately at [postmaster@tfl.gov.uk](mailto:postmaster@tfl.gov.uk) and remove it from your system. If received in error, please do not use, disseminate, forward, print or copy this email or its content. Transport for London excludes any warranty and any liability as to the quality or accuracy of the contents of this email and any attached files.

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Although TfL have scanned this email (including attachments) for viruses, recipients are advised to carry out their own virus check before opening any attachments, as TfL accepts no liability for any loss, or damage which may be caused by viruses.

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----- Forwarded message -----

From: [REDACTED] <[REDACTED]@googlemail.com>  
To: FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)>, ICO Casework <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
Cc:  
Bcc:  
Date: Fri, 7 May 2021 09:58:46 +0000  
Subject: Re: URGENT RESPONSE DUE TODAY TFL REFUSING LTN RELEATD Freedom of Information requests  
TFL,

Further more, you cannot condense separate FOIs on separate specific requests to allege as if as a total it exceeds the number of hours.

Please treat each FOI in their own as they were filed and ensure response is supplied today advising whether you will or will not be fulfilling them without any further delay.

If no response is received by 5pm today each FOI will be filed again by separate members of the public with the same interests and NEED to know.

TFL have no such exemption as you allege

On Fri, 7 May 2021 at 10:56 [REDACTED] <[REDACTED]@googlemail.com> wrote:  
TFL,

Note the ICO on copy.

Please advise why a cost would need to be applied for information you already hold?

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This means that Section 12 of the Act allows TfL to refuse a request for information when the aggregate cost of replying to such requests exceeds the threshold of 18 hours' work.

Without taking into account any processing time from your previous requests, we consider that to respond to the three current requests listed above would exceed 18 hours to locate, extract and collate the information. The information you have requested across your requests contain a significant number of questions (some of which relate to information over several years) and include requests for information that would require trawling through significant amount of correspondence to ascertain what, if any, information is held.

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Please see the attached information sheet for details of your right to appeal.

Yours sincerely

Eva Hextall

**FOI Case Management Team**

**General Counsel**

## Transport for London

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## Jacob Gemma

---

**From:** FOI  
**Sent:** 08 June 2021 13:07  
**To:** [REDACTED]  
**Subject:** IRV-007-2122

Dear [REDACTED]

I am contacting you with regards to your email of 10 May 2021. Following your email a review has been carried out by individuals who were not involved in the handling of your request. You have disputed the response provided which advised that your request was being refused under section 12 of the FOI Act due to the appropriate cost limit being exceeded.

Your original FOI requests asked for the following –

10 April 2021 (FOI-0080-2122)

**In 2018 you funded a programme called “Cycling Grants London” which offered grants of up to £10,000 over 3 years to encourage London communities to cycle more.**

- 1. Can you please state the total number of applications made and submitted to TfL seeking the grants?**
- 2. How many of those applications were then awarded?**
- 3. The total (£) value of those awarded grants?**
- 4. Please release a breakdown by borough showing the total number of applications made.**
- 5. Please release a breakdown by borough showing where the grants were awarded by TfL after application stage?**
- 6. What KPIs were used to benchmark the success of any of those grants?**
- 7. What were the terms of those grants?**
- 8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?**
- 9. If yes, what are those schemes and how much was awarded and to which boroughs?**
- 10. If no schemes for protected groups, why not?**

28 April 2021 (FOI-0187-2122)

**On November 23rd a letter was issued to Gareth Powell from Rupert Furness at DfT stating the terms of the active travel fund.**

**On page two (the relevant paragraph is attached to this email as an image)**

**Stats that TfL will be providing the DfT with the output monitoring data for:**

- A) when schemes are complete (installed)**
- B) at 6 months after completion**
- C) at 12 months after completion**

**Please therefore release all of this data which relates to environmental changes and plans which affects every London resident, business owner and student - of which environmental matters must be answered and provided for by law.**

**Please ensure all evaluation data for A & B above are released for each borough, specifically Enfield**

4 May 2021 (FOI-0231-2122)

- 1. In the image attached it shows fox lane LTN consultation page which can be found here:**

[https://letstalk.enfield.gov.uk/foxlaneQN/survey\\_tools/statutory-consultation1](https://letstalk.enfield.gov.uk/foxlaneQN/survey_tools/statutory-consultation1)

Within it, it states that “The trial is being funded from the Transport for London Streetspace Programme, an initiative that has been launched in response to the COVID-19 pandemic.”

- A) Can you therefore please advise what the total allocation for this scheme was?
- B) if this was allocated from Tranche 1 or Tranche 2?
- C) whether this relates to streetspace guidelines?
- D) was the funding issued as active travel funds ATF or emergency active travel funds EATF?
- E) who issued the guidance and on what date?
- F) what are the terms issued to TfL from DfT in order to receive and allocate the funding?

**2. On your website consultation for streetspace consultation**

(<https://consultations.tfl.gov.uk/general/streetspace-for-london/consultation/subpage.2020-10-19.2329535760/>) it does not list Enfield on there (also as shown in image attached)

- A) what assessment was made by TfL to not include Enfield on this consultation?
- B) who is responsible for that assessment?
- C) what guidelines and information is available to Enfield residents about how to consult with you about streetspace schemes in Enfield?
- D) would any such time that has elapsed since that streetspace TfL consultation opened be given back to Enfield residents as a way to remedy their lack of inclusion and involvement?
- E) where is the equality impact assessment for this scheme?
- F) do you access equality impact assessments for each individual borough prior to issuing funds?
- G) do you have any further consultations that are active specifically for protected groups and their carers?

**3. In this FOI (<https://tfl.gov.uk/corporate/transparency/freedom-of-information/foi-request-detail?referenceId=FOI-2008-2021>) within the attachment “LSP LTN commitments” it only states Bowes for Enfield at 160k under tranche 2.**

- A) can you please advise what the 160k for Bowes LTN “under tranche 2” was awarded for?
- B) can you clarify when you say “allocated” what exactly does that mean and who is in possession of the funds?
- C) where is Fox Lane on this FOI declaration of funding allocations?
- D) where is Connaught Gardens on this FOI declaration of funding allocations?

**4. On this link you support and advocate “Sustrans” and refer to their interactive map. They state that boundary roads remain open (as a through route) for cars.**

- A) Have you informed them of this?
- B) if so, when?
- C) if not, have TfL informed Sustrans that not all boundary roads of LTNs remain open to through traffic?
- D) when did TfL advise Sustrans of this correct information?
- E) within their interactive map, who supplied the data they included within it? TfL?

**5. A) Can TfL confirm based on their data and decisions on funding whether any footways were made wider in Enfield through any covid-19 related funding?**

- B) if they do exist please state where those pedestrian (only - not combined with cycling) schemes are and what the award for those were (£)
- C) if they do not exist, can you please state who from Enfield Council did not request any funding for widening of footways in their bids nor request any funding for this in any correspondence with you?

To provide you with a little more context with regards to your request for information, section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to-

- (a) either comply with the request in its entirety or;

(b) confirm or deny whether the requested information is held.

The estimate must be reasonable in the circumstances of the case and where we claim that section 12 is engaged, we should, where reasonable, provide advice and assistance to help the requestor to refine the request so that it can be dealt with under the appropriate limit. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Additionally in such circumstances as may be prescribed, where two or more requests for information are made to a public authority within a consecutive 60 working day period-

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them. We do not have to make a precise calculation of the costs of complying with a request(s); instead only an estimate is required. However, it must be a reasonable estimate.

A realistic estimate is one based on the time it would take to obtain the requested information from the relevant records or files as they existed at the time of the request, or up to the date for statutory compliance with the request. We are not obliged to search for, or compile some of the requested information before refusing a request that we estimate will exceed the appropriate limit. Instead, we can rely on having cogent arguments and/or evidence in support of the reasonableness of its estimate. However, it is likely that we will sometimes carry out some initial searches before deciding to claim section 12. This is because it may only become apparent that section 12 is engaged once some work in attempting to comply with the request has been undertaken. If we do start to carry out some searches without an initial estimate, we can stop searching as soon as we realise that it would exceed the appropriate limit to fully comply with a request and we are not obliged to search up to the appropriate limit.

To be clear this approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign, which was explained to you both within our response of 7 May and also within the ICO guidance we provided a link to in our response of 7 May relating to the "Dos and Don'ts" and the guidance on the application of section 12. Splitting requests up amongst a group of other individuals does not circumvent the cost limit as previously explained and we would encourage you to avoid taking this approach.

The mentioned ICO guidance was also provided again in your direct correspondence with the FOI Manager – Lee Hill – on the 7 May where he endeavoured to provide you with further advice and assistance regarding prioritising the information which is off most importance to you to make the best use of the FOI Act.

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the three outlined requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued. It is also worth noting that the above cost exemption is in addition to the staff resource that has already been spent responding to the requests which you submitted on 8 March 2012 (FOI-2494-2021), 12 March 2012 (FOI-2563-2021), 29 March 2012 (FOI-2750-2021), 10 May 2021 (FOI-0277-2122) & 30 May 2021 (FOI-0227-2122).

As advised we have responded to a large number of requests on this matter due to the public's continued interest on this subject and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

Having reviewed the cases in question and the advice which has been provided to you a several occasions by different members of the FOI Case Management Team through our correspondence with you, responses to your FOI requests and subsequent Internal Review appeals, we are satisfied that s12 of the FOIA has been appropriately applied on this occasion. Finally as s12 of the Freedom of Information Act is not a qualified exemption it does not require consideration of the public interest test.

We appreciate that the above response may come as a disappointment to you, however we hope it has provided a better clarity in regards to the response provided to your requests. If you are dissatisfied with the internal review actions to date please do not hesitate to contact me or alternately you can refer the matter to the independent authority responsible for enforcing the Freedom of Information Act, at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

A complaint form is also available on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)).

Yours sincerely

Emma Flint  
Principal Information Access Adviser  
FOI Case Management Team  
Transport for London  
[foi@tfl.gov.uk](mailto:foi@tfl.gov.uk)

## Jacob Gemma

---

**From:** [REDACTED] <[REDACTED]@googlemail.com>  
**Sent:** 08 June 2021 13:33  
**To:** FOI; ICO Casework  
**Subject:** TFL CONTINUE TO BREACH FOIA - IRV-007-2122

Dear ICO, please add to the TFL file.

TFL continue to refuse to answer the clear questions with meritless responses that are unfounded and do not add up.

They allege the work required would be too costly however, this is a requirement of them and all information requests simply ask for the information they have a requirement to proceed and analyse.

Stating it will cost too much to perform and fulfil is them stating they have not done the work required them in the role as the issuer of the schemes in question and as then transport authority for london.

Their reply is therefore all baseless and unsubstantiated. Either someone is not doing their job properly or TFL are actively concealing data. There is no other basis for their reply.

Please can you promptly expedite this request and ensure this is investigated thoroughly. TFL cannot continue to destroy our lives and withhold data that relates to the environment as a EIR. They are failing us all and this needs remedy as a matter of urgency and importance.

Best wishes,  
Jonathan

On Tue, 8 Jun 2021 at 13:07 FOI <[Fol@tfl.gov.uk](mailto:Fol@tfl.gov.uk)> wrote:

Dear [REDACTED]

I am contacting you with regards to your email of 10 May 2021. Following your email a review has been carried out by individuals who were not involved in the handling of your request. You have disputed the response provided which advised that your request was being refused under section 12 of the FOI Act due to the appropriate cost limit being exceeded.

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8. Has TfL at any point in the past 6 years had any schemes that issue grants for any protected groups?

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A) when schemes are complete (installed)

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To be clear this approach would be taken irrespective of whether your requests were submitted by one individual or multiple individuals within your group as part of a campaign, which was explained to you both within our response of 7 May and also within the ICO guidance we provided a link to in our response of 7 May relating to the "Dos and Don'ts" and the guidance on the application of section 12. Splitting requests up amongst a group of other individuals does not circumvent the cost limit as previously explained and we would encourage you to avoid taking this approach.

The mentioned ICO guidance was also provided again in your direct correspondence with the FOI Manager – Lee Hill – on the 7 May where he endeavoured to provide you with further advice and assistance regarding prioritising the information which is off most importance to you to make the best use of the FOI Act.

As explained in our response, it was considered that the process of locating, extracting and collating all of the information requested across the three outlined requests (which totalled approximately 35 individual questions) would exceed 18 hours work. For that reason a refusal notice citing section 12 was issued. It is also worth noting that the above cost exemption is in addition to the staff resource that has already been spent responding to the requests which you submitted on 8 March 2012 (FOI-2494-2021), 12 March 2012 (FOI-2563-2021), 29 March 2012 (FOI-2750-2021), 10 May 2021 (FOI-0277-2122) & 30 May 2021 (FOI-0227-2122).

As advised we have responded to a large number of requests on this matter due to the public's continued interest on this subject and continue to do so. However, on occasions where the cost limit is breached we are obligated to refuse to ensure our continued compliance with the FOI Act, irrespective of the subject matter of the request.

Having reviewed the cases in question and the advice which has been provided to you a several occasions by different members of the FOI Case Management Team through our correspondence with you, responses to your FOI requests and subsequent Internal Review appeals, we are satisfied that s12 of the FOIA has been appropriately applied on this occasion. Finally as s12 of the Freedom of Information Act is not a qualified exemption it does not require consideration of the public interest test.

We appreciate that the above response may come as a disappointment to you, however we hope it has provided a better clarity in regards to the response provided to your requests. If you are dissatisfied with the internal review actions to date please do not hesitate to contact me or alternately you can refer the matter to the independent authority responsible for enforcing the Freedom of Information Act, at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

A complaint form is also available on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)).

Yours sincerely

Emma Flint

Principal Information Access Adviser

FOI Case Management Team

Transport for London

[foi@tfl.gov.uk](mailto:foi@tfl.gov.uk)

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