

From: [Sara Thomas](#)
To: [Sara Thomas](#)
Subject: FW: IRV-027-2324
Date: 26 October 2023 16:10:18
Attachments: [Copy of Track Work Order Details IN PM 1.xlsx](#)

Dear [REDACTED]

I am contacting you in relation to your request for an internal review concerning the response provided to FOI-0068-2324. Following your email of 14 May a review has been carried out by an independent review panel ('the panel') consisting of individuals who were not involved in the handling of your request.

To confirm your original FOI request asked for the following - "*Please provide the most recent and the annual Track Inspection Reports between Chalk Farm and Belsize Park for 2022*", and the response provided to you advised that the information you seek was exempt from disclosure in accordance with s38 and 24 of the FOIA.

The panel have reviewed the response provided to your request and agree that its reference to 'Speed and Signal' was incorrect on this occasion with regards to the track inspection reports which are a separate matter. Therefore the panel agree that s38 and s24 were not appropriately engaged with regards to the information that you seek and consider these withdrawn. Please accept our apologies for any inconvenience that may have been caused.

However the panel have liaised with London Undergrounds Assistant Track Infrastructure Manager who has advised that we do not carry out a singular track inspection per year and actually inspect the tracks multiple times per week. In 2022 on the section of track between Chalk Farm and Belsize Park, 618 inspections were completed.

The attached spreadsheet shows the system entry record for each inspection that was carried out. The codes listed in column 'V' refer to the below -

- TR-NPATN – night time patrol (PM2), carried out multiple times per week
- TR-MPMIN – night time PM3 inspection this is a more detailed inspection look at faults reported by patrol and also root cause
- TR-MPIND – daytime inspection, in the form of a cab ride
- TR-NDT – ultrasonic inspection of track to detect and defects within the running rails themselves
- TR-LUBT – inspection of lubrication assets

The panel have been advised that whilst we do hold hard copy inspection report records for each inspection carried out, these 618 records are not held in a singular central repository that would allow for easy retrieval. Therefore upon consideration the panel agree that the threshold for s12 of the FOIA is met and your request is being refused due to it exceeding the cost limit as prescribed.

To provide you with a little more context with regards to your request for information, s12 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 and where they relate to any extent, to the same or similar information -

- (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 a realistic estimate is required.

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.

As advised 618 inspections were completed in 2022. These reports are held across differing departments in London Underground and therefore to try to identify, locate and retrieve all 618 reports would be a considerable task, exceeding the 18 hour limit as prescribed under s12. Taking into account the considerations above, the panel agree that to try and respond to your request would be an unjustifiable diversion of staff time and burden of resource placed on the small team who are able to respond to these types of requests, diverting them from their core functions of running a busy transport network. 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. If you wish to greatly narrow the scope of the data you seek by perhaps by focusing on a few specific reports which are of most priority to you at this stage, then the panel suggests that you re-submit a narrowed standalone request at foi@tfl.gov.uk to allow us to assist you.

We also encourage requesters to take into account the guidance and advice provided by the Information Commissioners Office (ICO) such as the “dos and don’ts” published on its website in order to make the best use of the processing time available under the FOI Act. The following link to the ICO website provides advice on how to make an FOI request - <https://ico.org.uk/your-data-matters/official-information/>

I hope the above response has provided a better clarity regarding the information you seek, however 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).

Yours sincerely

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