

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 November 2011

Public Authority: Transport for London
Address: 6th Floor
Windsor House
42-50 Victoria Street
London
SW1H 0TL

Decision (including any steps ordered)

1. The complainant requested information relating to the passenger arrangements put into effect at Earl's Court station.
2. Transport for London (TfL) has failed to provide a substantive response to that request and the Commissioner consequently finds a breach of section 10(1) of FOIA.
3. The Commissioner requires the public authority either to comply with section 1(1)(b) or to issue a valid refusal notice compliant with section 17 of FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this Decision Notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 13 July 2011 the complainant wrote to TfL and requested information in the following terms:

"The passengers arriving at Earls Court fall into two categories. Those arriving from outside zone 1 are either wanting to continue into Zone 1 and those that arrive from Zone 2 and wishing to remain in Zone 2 (i.e. changing branch lines).

The suggestions that I have made have not been answered, except you say that they were considered at the early planning stages of the project. In accordance with the Freedom of Information Act I would like to see detailed records of the assessments made and the options that you say were considered, including all correspondence, handwritten notes and internal emails."

6. TfL acknowledged the request on 18 August 2011 and apologised for the delay in providing a response.
7. TfL subsequently wrote to the complainant on 20 September 2011 confirming that information relevant to the request had been collated. However, TfL further advised it was currently considering whether the information should be provided because of the health and safety and security concerns that could potentially arise through disclosure. TfL informed the complainant that it aimed to have its formal response with him as soon as possible.

Scope of the case

8. The complainant contacted the Commissioner to complain about TfL's failure to respond to his request.

Reasons for decision

9. Section 1(1)(b) provides that a public authority in receipt of a request must communicate the information described to the applicant. Section 10(1) requires that this is done within 20 working days.
10. The complainant's request was submitted on 13 July 2011. At the date of this notice the complainant has not received a formal response from TfL. The Commissioner has therefore found that TfL breached section 10(1) of FOIA.

Right of appeal

11. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Andrew White
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