

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 14 May 2021

**Public Authority:** Network Rail  
**Address:** The Quadrant  
Elder Gate  
Milton Keynes  
MK9 1EN

#### Decision (including any steps ordered)

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1. The complainant requested from Network Rail information in relation to its Subject Access Requests policy.
2. The Commissioner's decision is that Network Rail failed to provide the information it held within the scope of the request within 20 working days and in so doing it breached sections 1 and 10 of FOIA.
3. As the information sought by the complainant has now been provided, the Commissioner does not require Network Rail to take any further steps as a result of this decision notice.

#### Request and response

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4. On 14 September 2020, the complainant wrote to Network Rail and requested information in the following terms:  
*"Under the Freedom of Information Act, I request a copy of your policy and processes relating to how you manage data subject access requests."*
5. Network Rail acknowledged receipt of the complainant's information request on 6 October 2020.

6. Due to the lack of a substantive response, on 20 October 2020 the complainant contacted Network Rail to seek an update. This communication was followed with an exchange of a number of email messages between the complainant and Network Rail. An email message dated 27 October 2020, in which the complainant complained about the handling of his information request, was logged by Network Rail as a request for internal review.
7. On 5 November 2020, Network Rail responded to the complainant's information request, providing him with the information held within the scope of the request.
8. Following completion of its internal review, Network Rail wrote to the complainant on 13 November 2020. It concluded that by failing to provide the information sought by the complainant within the prescribed timescales, Network Rail breached section 10(1) of FOIA.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 30 October 2020 to complain about the lack of a substantive response from Network Rail.
10. Although the complainant, in the meantime, had received the information requested, he asked the Commissioner to issue a formal decision notice in relation to Network Rail's compliance with the procedural requirements of FOIA.
11. Therefore, the following analysis covers whether Network Rail complied with the requirements of sections 1 and 10 of FOIA.

### **Reasons for decision**

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#### **Sections 1 and 10**

12. Section 1(1)(a) requires public authorities to inform requestors in writing whether they hold information of the description specified in the request.
13. Section 10(1) of the Act requires that public authorities must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

14. The complainant made his information request on 14 September 2020. Network Rail failed to provide the information requested until 5 November 2020 and in so doing breached section 10(1) of FOIA.
15. Furthermore, in failing to confirm that information was held within 20 working days of receipt of the request, the Commissioner concludes that Network Rail did not comply with the requirements of section 1(1)(a) of FOIA.
16. As the information that Network Rail held was provided to the complainant, no remedial steps are required in relation to these breaches.

## Right of appeal

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17. 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: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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 .....**

**Ben Tomes  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**