

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 April 2017

Public Authority: Transport for London
Address: 50 Victoria Street
Floor 7, Windsor House
London
SW1H 0TL

Decision (including any steps ordered)

1. The complainant has requested information relating to street light defects along Holloway Road.
2. TfL provided the complainant with some information but said that it was unable to comply with the request fully as to do so would exceed the cost limit under section 12 FOIA.
3. The Commissioner's decision is that TfL was correct to apply section 12 FOIA and that it was not therefore obliged to comply with the request. It did also provide the complainant with appropriate advice and assistance in accordance with its obligations under section 16 FOIA.
4. The Commissioner requires no steps to be taken.

Request and response

5. On 9 January 2017 the complainant requested information of the following description:

"all correspondence from November 2015 to date regarding street lighting defects along Holloway Rd including emails between Islington Council and the Cabinet Member Claudia Webbe"
6. On 30 January 2017 TfL provided the complainant with a spreadsheet containing all of the lighting defects on Holloway Road but said that to provide all correspondence relating to the lighting defects on Holloway

Road would exceed the cost limit under section 12 FOIA. It suggested that the complainant may wish to refine the request. It said that the complainant may want to consider narrowing the period of time, identifying keywords or a specific department or individual(s).

7. The complainant requested an internal review on 31 January 2017. He argued that the narrower frame had already been indicated, he said his request specifies that he requires all correspondence between Councillor Webbe and the Executive team that respond on behalf of TFL to the cabinet members.
8. TfL sent the outcome of its internal review on 22 February 2017. It confirmed that upon the wording of the original request the complainant has clearly asked for all correspondence relating to lighting defects on Holloway Road. It upheld its application of section 12 FOIA however confirmed again that if the complainant wanted to make a refined request for information just for correspondence between Councillor Webbe and the Executive team that respond on behalf of TFL to the cabinet members relating to lighting defects on Holloway Road, it would process this as a new request for information.
9. To date the complainant has not submitted a refined request for information.

Scope of the case

10. The complainant contacted the Commissioner on 23 February 2017 to complain about the way the request for information had been handled.
11. The Commissioner must first decide the scope of the request based upon the wording of it when it was made. The request clearly states that the complainant requires 'all' correspondence relating to lighting defects on Holloway Road and that this should include (but is not limited to) emails between Islington Council and the Cabinet Member Claudia Webbe.
12. The complainant has argued that the request already limited the information he required to emails between Islington Council and the Cabinet Member Claudia Webbe relating to lighting defects on Holloway Road.

13. The Commissioner does not consider that an objective reading of the complainant's request would limit the information required to just emails between emails between Islington Council and the Cabinet Member Claudia Webbe on this matter. It asks for 'all' correspondence, explains that this should 'include' emails between Islington Council and the Cabinet Member Claudia Webbe, but does not limit it to this particular correspondence. Based upon the wording of the request, the Commissioner considers that TfL were right to consider that the scope would cover all correspondence relating to lighting defects on Holloway Road.
14. The Commissioner has considered whether TfL was correct to apply section 12 FOIA to the request.

Reasons for decision

15. Section 12 of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate cost limit to:
 - either comply with the request in its entirety, or
 - confirm or deny whether the requested information is held.
16. The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request - 24 hours work for central government departments; 18 hours work for all other public authorities. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken to:
 - (a) determine whether it holds the information
 - (b) locate the information, or a document which may contain the information
 - (c) retrieve the information, or a document which may contain the information, and
 - (d) extract the information from a document containing it.
17. The appropriate limit for TfL is £450 or the equivalent of 18 hours work.
18. TfL has explained that the request spans a period of over two years and would capture all correspondence regarding street lighting defects. To ensure that it had captured all emails relating to the request, it would need to run a search of every one of TfL's mailboxes for anything

relating to “Holloway Road lighting defects”. This would involve any reports, typically sent via e-mail, that it receives from various sources, that are then sent from its fault reporting department to the relevant area team instructing them to carry out repairs, as well any subsequent reply from the engineer regarding these repairs. Fault reports can come in to TfL via many routes, such as Customer Services or through routine inspections of the network. Inevitably, some faults will be reported several times if identified by different sources, and these are likely to result in the generation of some correspondence in relation to the fault. There are also likely to be reports that are recorded by the reference number of the light, if the person reporting the fault is aware of this, and so may not easily be identified as relating to Holloway Road. Additionally, because traffic signals are often referred to as ‘lights’ these reports are also likely to be captured in any search it would run and would therefore have to be reviewed in order to ensure they were not relevant to the request.

19. The Commissioner asked TfL why it would be required to search all of TfL’s mailboxes and why this search could not be targeted to particular mailboxes.
20. TfL explained that whilst it has established processes for dealing with correspondence from stakeholders or customers, with dedicated mailboxes for queries from members of the public and groups such as Assembly Members, there will inevitably be times when an e-mail is sent to an individual’s e-mail account because they have dealt with that person previously and those might be the contact details they have to hand. This person may or may not be in one of the teams which we would expect to have dealt with such correspondence as they may not be in a stakeholder engagement role and may not work in any of the teams that deal with street lighting issues. For example, someone who has previously corresponded with the Commissioner of TfL, might notice a fault and because they know his e-mail address or have an established relationship with him, they might send a quick e-mail to him to ask him to make the necessary team aware. Alternatively, if a member of staff at Holloway Road Underground station notices a fault with a street light outside the station they may send an e-mail asking who it could be reported to. The path from the initial fault report being made to the instruction to an engineer to fix the fault could take a number of routes, each step generating at least one piece of correspondence – including any e-mails where the person in receipt of the fault was trying to establish where to send it. These would not typically be where you might expect correspondence to have been generated, but would be covered by the request for *all* correspondence.

21. It went on that if it did limit the search to only include complaints received via its Customer Services Contact Centre, as well as correspondence received via established stakeholder engagement e-mail addresses – which is how it would usually expect correspondence from anyone at the Borough, including Councillor Webbe to be received, it is considered likely that all relevant correspondence would still not be captured. Some of the faults may only have been referred to by the reference number on the light or by another description such as, 'outside the Odeon Cinema near the Emirates Stadium.' This cinema is on Holloway Road, but if the person reporting the fault refers to it without mentioning Holloway Road then a search using the terms 'street lights' and 'Holloway Road' would not identify this correspondence.
22. For these reasons it found that any restrictions that were placed on the search location or the search terms used would risk not identifying the information the requester has requested it to locate.
23. As the request spans a two year time frame and requires 'all' correspondence relating to street lighting defects on Holloway Road, TfL would be required to search all of its mailboxes for anything relating to this topic. This is because fault reports come into TfL through a variety of routes, the same fault can often be reported multiple times and can generate numerous pieces of correspondence relating to each fault. The Commissioner considers that based upon this, section 12 FOIA was applied correctly to the request. The Commissioner would also note that in his correspondence with TfL and the ICO, the complainant does not seem to dispute the application of section 12 FOIA when considered in the context of a request for all correspondence on street lighting defects on Holloway Road, his position is that the request was already limited to correspondence on this matter between Councillor Webbe and the Executive team that respond on behalf of TfL to the cabinet members.

Section 16 – advice and assistance

24. Under section 16 FOIA TfL is obliged to provide the complainant with advice and assistance to help the complainant refine the request to fall within the cost limit or explain why this would not be possible.
25. At the time of the internal review, TfL explained to the complainant that if he wished to narrow the request to just e-mails between TfL and Islington Council and Councillor Claudia Webbe, in order to process this request it would need the e-mail addresses of the people within Islington Council and Councillor Claudia Webbe or her office, that he would like it to search for. It also said that the complainant could narrow the time frame of the request.

26. The Commissioner considers that the complainant may not know all of the email addresses of the relevant individuals within Islington Council or Councillor Claudia Webbe's office and therefore he may be unable to utilise this part of the advice and assistance to any meaningful effect. However TfL has also explained that the complainant could reduce the timeframe of the request (which currently spans a two year period) to refine it. The Commissioner does therefore consider that TfL has complied with its obligations under section 16 FOIA in this case.

Right of appeal

27. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

28. 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.
29. 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

Gemma Garvey
Senior Case Officer

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