

Our ref: 766,518

Your ref:

Operations Directorate Services
Team
9th Floor
The Cube
199 Wharfside Street
Birmingham B1 1RN

29 November 2018

Dear ,

Further request for records of fires & spills data

I refer to your request under the Freedom of Information Act 2000, received on 31 October 2018. In that request, you asked us for records of all fires, spills, causes, costs and repair methods, for the year to date.

I am dealing with it under the terms of the Environmental Information Regulations 2004. This is because the information requested concerns measures and activities affecting or likely to affect elements of the environment or affect factors such as noise, pollution discharges and other releases into the environment.

On 07 August 2018 you requested the following data:

For the last 5 calendar years, please send me in an excel format records of all fires, spills, causes, costs and repair methods.

In my email of 07 September 2018, I provided you with a complete list of all fires and spills data for the last 5 calendar years, advising that causes and cost information was not held. I asked you to reduce the scope of your request, in relation to the repair methods request, as gathering the data would be likely to involve a significant cost and diversion of resources from the authority's other work. On 05 October you reduced the scope of your request to fires and spills data relating to December 2017.

On 30 October I advised that you would need to further reduce the scope, as in December 2017 there were nearly 400 fires and spills logged on our incident management system. I advised you that our maintenance teams have reported that it would take up to 30 minutes per incident, on average, to extract reinstatement procedure/repair method information. I advised that it would be helpful if you could limit your request to a maximum of 35 incidents, from the list that makes up the December 2017 data. I also asked you to confirm what level of descriptive 'reinstatement procedure' detail you required.

In your request of 31 October 2018, you asked for the same information, but with a later and expanded date range:

For the year to date, please send me in an excel format records of all fires, spills, causes, costs and repair methods.

As you have been unable to reduce the scope of your request, I am now refusing your request under regulation 12(4)(b), as it is manifestly unreasonable. A manifestly unreasonable request can place a strain on resources and get in the way of public authorities delivering mainstream services or answering other requests.

Public authorities must apply a public interest test (PIT) when using EIR exemptions, as set out in regulation 12(1)(b). A public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

A PIT was completed on 22 November 2018, which discussed the following:

Factors for disclosing the information:

- There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way;
- There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse.

Factors against disclosing the information:

- In December 2017 there were nearly 400 fires and spills logged on Highways England's incident management system. The costs of establishing the required data, for just the month of December have been found to be unreasonable.
- Maintenance teams reported that it would take up to 30 minutes per incident, on average, to extract reinstatement procedure/repair method information.
- The customer was asked to limit their request to a maximum of 35 incidents, from the list that makes up the December 2017 data.
- The costs of establishing the year to date data have also been found to be unreasonable.

The conclusion was reached that there are compelling arguments which support withholding the information due to the request being manifestly unreasonable.

If you are unhappy with the way we have handled your request you may ask for an internal review within 2 months of the date of this response for Freedom of Information requests and within 40 days for Environmental Information Regulations requests. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

If you have any queries about this letter, please contact me. Please remember to quote reference number 766,518 in any future communications.

Yours sincerely,

Operations - Directorate Services Team

Email: Ops_dst@highwaysengland.co.uk