

Our ref: CRS 769,184

Highways England  
Second Floor  
Woodlands  
Manton Lane  
Bedford  
MK41 7LW

Direct Line: 0300 470 4895

18 March 2019

Dear

**Freedom of Information Request**

**Your Claim Reference:** [REDACTED]

**Date of Incident:** 20 January 2018

**Your insured:** [REDACTED]

Thank you for your request for information of 27 February 2019 about an incident that occurred on 20 January 2018 on the southbound M40 motorway.

Following clarification of your request on 27 February, I have extracted the elements of it and respond as follows:

- ***Details of any recent works/repairs to the road within a year (i.e. between 20 January 2018 and 19 January 2019) of the incident occurring on the M40 between junctions 9 and 12 southbound***

The requested information is set out in the attached Annexes A1, A2 and A3. Precise locations are identified by marker Post, with junction 9 at 97/2 and junction 12 at 139/9.

Personal information has been redacted in reliance of [Section 40\(2\)](#) of the Freedom of Information Act.

- ***Your maintenance procedure for the road in question and records of when it was inspected for the 3 years prior to the incident between junctions 9 and 12 southbound.***

Maintenance and inspection regimes for the M40 are set out in the Trunk Road Maintenance Manual (TRMM). This can be found online.

Safety patrols are carried out daily and safety inspections completed weekly. Detailed inspections of street furniture and equipment are carried out annually.

- ***Details of any complaints/reports you have had of flooding to the road for the period 18 to 21 January 2018 on the length between junctions 9 and 12 southbound. If you did have any reports of flooding in the months prior to the incident, can you please confirm what steps you took to remedy the fault on the length between junctions 9 and 12 southbound.***

We hold no records of complaints/reports of flooding for the period 18 to 21 January or in the months prior to 20 January.

- ***Details of any accidents which occurred on the same road for the period 18 to 21 January 2018 on the length between junctions 9 and 12 southbound.***

Information relating to road traffic collisions in Great Britain is collected annually by the Department for Transport. To allow for the information to be properly validated it is typically published during the summer of the year *after* it is collected. Therefore, data for 2018 is not yet available but will be published later this year.

In withholding the information, I am relying upon the exemption under [Section 22\(1\)](#) information intended for future publication.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are set out at the end of this letter.

If you are unhappy with the way we have handled your request you may ask for an internal review. 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 email [info@highwaysengland.co.uk](mailto: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 769,184 in any future communications.

Yours sincerely

Business Management Team Leader  
Operations (East)  
Email:

**Request for Accident Data between M40 junctions 9 and 12 southbound 18 – 21 January 2018**

**FOIA Exemption S.22 – Information Intended for Future Publication**

***Factors supporting disclosure***

- Disclosure of the information would be consistent with our commitment to proactively publishing data on matters of a wider public interest
- The public has an interest in learning the number and type of incidents that have occurred on any given section of the road network and expects data to be available.

***Factors supporting non-disclosure***

- Validated 2018 data is intended for publication by the Department for Transport later this year, 2019.
- Unvalidated data is likely to include errors and omissions that will be corrected during the validation process
- Publication on the Gov.UK website will take place once the validation process has been completed
- As the information is of interest to the wider public it is important it can be accessed simultaneously by the public rather than piecemeal by disclosure to a small number of individuals under the FOIA. Therefore, it is in the wider interest that information is accessible to the public by adhering to the publication schedule.

**Conclusion: there are compelling arguments which support withholding the information which outweigh those supporting release.**

**Date of PIT review: 19 February 2019**