

From: Peter Silverman [mailto:petersilverman@cleanhighways.co.uk]
Sent: 29 July 2012 19:05
To: 'casework@ico.gsi.gov.uk'
Cc: Katherine Gundersen (Campaign For Freedom Of Information)
Subject: New complaint against Highways Agency (EIR)

Please find attached a copy of:

1. My ICO complaint form 29_07_12
2. EIR requests refused in 2012. These have been copied and pasted from the WhatDotheyKnow web site. They can be view individually via the following links.

16th May - http://www.whatdotheyknow.com/request/m40_j1_cleaning#comment-29133

3rd May -

http://www.whatdotheyknow.com/request/trunk_road_cleaning_incl_a31#incoming-284308

30th April -

http://www.whatdotheyknow.com/request/motorway_cleaning_costs_and_audi#incoming-284306

25th April -

http://www.whatdotheyknow.com/request/correspondence_with_service_prov#incoming-284305

3. Refusal letter from H Agency 24th May 2012
4. Request for internal review by Peter Silverman
5. Outcome of Internal Rev by HA 23rd July

I have also attached the following further documents relating to request of 16th May:

6. E15 – e-mail to the Treasury Solicitor’s office repeating information request.
7. E16 – response from them contained in last paragraph.

Time estimates

I understand that the refusal is now largely based on the time it will take to obtain the information. In their letter of 23rd July the Agency refer to one regional team reporting that it would take 10 hours to collate information for three of the questions contained within the EIR requests. They then multiplied this by 7, the number of regions. They did not say which three questions were assessed. However only the following three would require information to be sought from each region. I have added some comments on the significance of the documents sought.

A. 3rd May request Q 2.

“The last 4 communications between the Highways Agency and any local authority directing the latter's attention to the littered state of, and/or the need to clean, any trunk road in your network. In both cases please include communications made on your behalf by your contractors. You do not need to include any communications which are more than 2 years old”.

These communications were referred to by the Parliamentary Under Secretary of State for Transport (Roads and Motoring). Please refer to <http://www.theyworkforyou.com/wrans/?id=2012-04-30c.105114.h&u=25653#c29486> . He said "Where the standards set by the Environmental Protection Act are not being met, and no contact has been received regarding sharing traffic management, the Agency will write to the relevant authority asking for appropriate action to be taken".

B. 30th April - Q 2

"A copy of the last 4 monthly audits of environmental amenity referred to"

Again, these were referred to in Parliament. Please refer to <http://www.theyworkforyou.com/wrans/?id=2012-04-23a.369.0&s=%22highways+agency%22+section%3Awrans#g369.1> Lord Wallace stated that "Agency route managers perform monthly audits of the environmental amenity of stretches of randomly selected agency routes".

C. 25th April

Communications with each service provider referred to By Lord Holbeach reminding them of their contractual responsibilities with regard to litter.

In each case:

It can be seen that the documents are of some importance having been referred to by Ministers. Surely the regions creating them would have filed them where they could be located and retrieved promptly.

I am only asking for copies of documents. I am not asking the Agency to locate a large number of documents, extract data from them, analyse and tabulate results on my behalf.

The 10 hour per region estimate is I would contend a gross exaggeration.

I would be grateful if you could examine this complaint.

Peter Silverman
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