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Your ref:

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23 July 2012

Dear Peter

### **REQUESTS FOR INFORMATION: EIR REVIEW**

Thank you for your letter of 4 July in which you request an internal review of our decision to refuse your requests for information made on 25 April, 30 April, 3 May and 16 May which we have treated as manifestly unreasonable under Environmental Information Regulations (EIR): Regulation 12 4(b). As a senior officer within another division of the Highways Agency previously unconnected with this case, I have been appointed to review how we have dealt with your requests.

I have looked at the information within the links you have provided in your letter and noted the context in which you place your requests for information. You have provided evidence to me that you are leading a campaign to improve the way litter is managed on the road network. I accept that a significant number of people are interested in this issue. This is borne out by our own findings from our annual Road User Satisfaction Survey. I have therefore concluded that there is a legitimate interest underpinning your request for information on our approach to litter picking and our level of success in keeping the trunk road network as free from litter in so far as is practicable. I have also noted your references to the provisions of the Environmental Protection Act.

It is clear to me that you wish to challenge the way we currently manage litter picking and how it might be managed in the future under our new Asset Support Contracts (ASC). I accept that you are seeking a range of evidence which supports your view that improvements are necessary in order to meet the legislative requirements and improve general amenity, particularly as we change our contractual arrangements under new ASC provisions. I therefore accept that you may wish to make future requests for information. However, public bodies have a limited resource which has to be recognised. In your case, you have submitted numerous requests for information which has caused Highways Agency resources and those of our contractors to be diverted away from our core business delivery, albeit for legitimate reasons.

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You have also questioned our calculation of 72 man hours to provide the information required for the four requests noted above. The figure was arrived at using the following calculation:

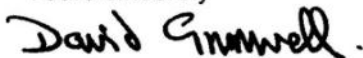
One regional team reported that it would take a total of 10 hours to collate information for three questions contained within the EIR requests. There were 7 regional teams who would have been required to provide the information. Central co-ordination of the regional responses was estimated at a further 2 hours. (10 x 7 + 2 = 72 hours)

In my view, a balance has to be struck between satisfying your requests for information whilst allowing for our resources to be used on day to day activity to avoid a significant burden on our business. In this case, I have concluded that if the Agency had provided more targetted advice and assistance to you (EIR Regulation 9) to help you better formulate your thoughts on core information requirements at the start of your interest in this issue, this may have reduced the number of requests for information you felt necessary to make.

I have reviewed the Public Interest Test panel considerations as part of my review and find that the issues noted present a convincing and balanced case for the application of the exception in this instance. I have therefore concluded that it is right to uphold the application of the EIR Regulation 12 (4b) exception in relation to the four requests for information received in April and May this year but I find that we did not meet the requirements of Regulation 9 (1) in providing the right level of advice and assistance in order for you to be able to limit the number of your requests to a reasonable level. In order for you to adopt a more measured approach it would be helpful if you would contact our central Network Development and Delivery team at: [NDDCDBT@highways.gsi.gov.uk](mailto:NDDCDBT@highways.gsi.gov.uk) for any future requests so that we are able to better target your requests for information to meet your core requirements. By doing this we will be able to work with you to ensure you receive the information you require without resourcing pressures impeding the flow of information.

Although there is no set limit under EIR, it may be useful for you to note that under the Freedom of Information Act, a sixty working day rolling period is used to determine whether requests for information should be charged for or refused because they are vexatious or repeated requests and place an unjustified or unacceptable burden on the public authority concerned.

Yours sincerely



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