

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 September 2016

**Public Authority:** Highways England

**Address:** Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### **Decision (including any steps ordered)**

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1. The complainant has requested information relating incidents where Highways England Fleet or Service Providers gritter's have been involved in RTC's (road traffic collisions).
2. Highways England refused to comply with part 1 of the request under section 12 of the Freedom of Information Act 2000 (FOIA) as it said it would exceed the cost limit to do so.
3. The Commissioner's decision is that Highways England was correct to apply section 12 FOIA in his case. It also complied with its obligations under section 16 FOIA in relation to the way in which it dealt with this request.
4. The Commissioner requires no steps to be taken.

#### **Request and response**

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5. On 23 March 2016 the complainant requested information of the following description:

"Full incident details where Highways England Fleet or Service Providers gritter's have been involved in RTC's for the current season, together with subsequent investigation reports and conclusions.

Details of how this initiative of applying the later conspicuity Regulations was proposed and approved.

Details of cost of implementation over benefit, and how the benefit was defined."

6. On 1 April 2016 Highways England responded. It refused to comply with part 1 of the request under section 12 FOIA as it said that it would exceed the cost limit to do so. It provided information in response to part 2 of the request and confirmed that it did not hold information relevant to part 3 of the request.
7. The complainant requested an internal review on 8 March 2016 in relation to the response to part 1 of the request. Highways England sent the outcome of its internal review on 3 May 2016. It upheld its original position.

## **Reasons for decision**

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### **Section 12 – cost exceeds appropriate limit**

8. 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.
9. 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.
10. The appropriate limit for Highways England is £450 or the equivalent of 18 hours work.

11. Highways England explained that the requested data is not stored centrally and therefore it would need to contact each of its 12 Service Providers and ask them to interrogate their data.
12. Highways England explained that the Service Providers would need to search for information on Airsweb. This would include a run full extraction of all records. They would then need to apply filters to search for words likely to appear in relevant reports e.g. 'gritter', 'spreader', 'plough', 'snowplough', 'winter'. Finally they would need to capture and review filtered reports. It confirmed that to undertake the above tasks would take 12 hours for each service provider. It said therefore that this equates to 144 hours for all 12 area teams to undertake this work.
13. To further explain, it confirmed that there are 12 Area Teams and 12 separate Service Provider contracts that manage the Highways England network. It said that Areas 6 & 8 are delivered through separate managing contracts however, there is one Service Provider Management Team. The Highways England network are managed by five Service Providers although some of the Service Providers have contacts with more than one Area Team. Each Service Provider works to individual contracts for each Area. This means that each Service Provider would need to carry out the search for information on an individual Area Team basis.
14. It went on that the above timings are based on a response received from one of the Service Providers. It chose this specific Service Provider because they manage more than one Area Team and this therefore provides a good representation of the Service Provider community.
15. It explained that Airsweb (Accident and Incident Reporting System) is the Highways England national health and safety database that enables its supply chain to record entries of incidents and near misses whilst working on Highways England contracts and projects. It said that there are over 16,000 entries in this system which are listed in no specific order. Access to the Airsweb system is limited to specialist users who would have the necessary training to input data and understanding on how to interrogate the system. A request relating to winter such as this would be forwarded to the Winter Specialist in the Service Provider organisation for review. Time to interrogate the system and provide the requested information is dependent on the availability of the specialist. If the specialist was unavailable and the request was urgent, then another suitably trained AIRSWEB user would be sought to help.
16. Highways England identified a few methods of searching for specific reports in Airsweb, listed below, all of which are fairly time consuming. It also provided the Commissioner with screen shots showing how to extract reports:

- 1) Restricting a general search by start and end dates will generate all reports for a specific Service Provider but in order to identify incidents involving winter service vehicles each report must be opened. Each report contains 10 pages relating to the incident. Each page needs to be opened and read to ascertain whether the incident involves a winter service vehicle. Taking one Service Provider as an example, there are 70 reports for the last winter season. These reports vary from near misses to actual incidents. It is not clear however, from the information provided whether these reports involve a winter vehicle.
- 2) Searching on just the Supplier / Service Provider without date filters will produce an Excel spread sheet showing all incidents. Filters can then be applied to search for keywords such as 'plough', 'gritter'. This is a more laborious process but the details found would be more accurate. Once a winter vehicle incident is found the incident ID number must be noted then further tabs can be viewed to extract full details of the incident. The initial search using this approach generates 5000+ reports for one Service Provider.
- 3) Other methods would involve selecting variations on the event type and event sub type dropdown menus, this is thought to be a more time consuming method due to the number of searches which must be performed to see the relevant reports.

It said that with all searches there are multiple entries for each Service Provider requiring repeat searches on selection of each supplier.

17. Finally it explained that before submitting any data externally of the organisation, the information collated would need to be reviewed for accuracy, quality and consistency to ensure that the details were relevant to the information sought by the requester. Details would need to be logged within the Highways England Correspondence Recording System. It argued that this would take 26 hours in total.
18. The Commissioner considers that Highways England has provided a very detailed explanation of the work and time/cost implications of complying with this request. In particular, because the requested information is not held centrally, the 12 Service Providers for each Area Team would need to carry out independent searches to identify relevant information. The most significant time/cost involved would be for each of the 12 Service Providers to identify and retrieve relevant data from Airsweb. Highways England has considered a number of methods to search this system to determine the most efficient way of doing this. Taking the first method set out at paragraph 15(1) above, even if a very conservative 2 minutes per record were allotted to review the 70 relevant records for one Service provider, this amounts to 2.5 hours work. This would then need

to be duplicated for the other 11 Service Provider contracts, which amounts to 30 hours. The Commissioner is aware that Highways England has provided a much higher estimate, but even if this were to be reduced, due to the volume of records on the Airsweb system and the fact that this work would need to be duplicated for each of the 12 Service Provider contracts, the Commissioner is satisfied that this request would exceed the cost limit and therefore Highways England was correct to apply section 12 FOIA in this case.

### **Section 16 – advice and assistance**

19. Under section 16 FOIA Highways England 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.
20. Highways England has confirmed that it is not possible to refine this request to fall within the cost limit. It has confirmed that by refining it to cover only some of the Service Providers would not provide the information requested.
21. As Highways England has confirmed that it would not be possible to refine this request to fall within the cost threshold and why, the Commissioner does consider that it has complied with its obligations under section 16 FOIA.

## Right of appeal

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22. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

23. 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.
24. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**