Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: **12 December 2019**

Public Authority: HM Treasury
Address: 1 Horse Guards Road
London
SW1A 2HQ

Decision (including any steps ordered)

1. The complainant requested copies of 134 emails identified by the public authority following a sampling exercise undertaken by the public authority further to the application of the cost exemption at section 12 FOIA to a request the complainant had previously submitted to the authority. Relying on section 14(1) FOIA, the public authority refused to comply with the request on the grounds that it would impose a disproportionately significant burden on the authority's resources.

2. The Commissioner's decision is that the public authority was entitled to rely on section 14(1) FOIA. The Commissioner however finds the public authority in breach of section 10(1) FOIA for failing to respond to the request within 20 working days.

3. No steps are required.

Request

4. On 18 January 2018 the complainant submitted the following request to the public authority:

   "As part of the information that you supplied to the Information Commissioner when refusing to give the information that we requested from you on 6 December 2015, you indicated in a letter of 28 September 2016 that 134 emails were identified for the period between 1 February and 31 December 2015, containing the word "toll". We would like copies of those 134 emails."

5. The public authority responded on 27 March 2018. It confirmed that it still retained 130 of the 134 emails in question. The remaining 4 emails could not be located. The public authority however refused to comply with the request citing section 14(1) FOIA on the grounds that "the effort required to review, assess, extract and prepare [the] information would be considerable and would require a disproportionately high level of Treasury staff effort…"

6. On 12 April 2018 the complainant requested an internal review of the decision to rely on section 14(1) FOIA.

7. The public authority wrote back to the complainant on 20 May 2019 with details of the outcome of the internal review. The review upheld the original response, adding: "…we do not believe the purpose and value of this request would justify the disruption that would be incurred by complying with the request."

Scope of the case

8. The complainant contacted the Commissioner on 20 June 2019 to complain about the way his request for information had been handled, specifically disputing the public authority's refusal to comply with his request relying on section 14(1) FOIA[1].

[1] He also complained about the handling of a prior request he submitted to the public authority on 31 October 2017. However, that complaint was deemed ineligible for consideration because it was submitted more than 3 months following the public authority's final response on 11 January 2018 to that request.

9. The scope of the Commissioner's investigation therefore was to consider whether the public authority was entitled to rely on section 14(1) FOIA as the basis for refusing to comply with the complainant's request above of 18 January 2018.

Background

10. The request of 18 January 2018 (the subject of this decision notice) follows on from a request first submitted by the complainant to the public authority on 6 December 2015. The December 2015 request asked for the following information:

    "A list of all recorded contacts, by the Government or Government officials with the Authority responsible for the Mersey Tunnels, after January 2015, which have included any mention or discussion of MerseyTunnel tolls or tolling powers.

    A copy of any documents (including letters and emails) received or sent to the Government or Government officials and any agendas or minutes of any meetings between the Government or Government officials and the Authority responsible for the Mersey Tunnels, after January 2015, which include any mention of tolls or tolling powers on the Mersey Tunnels or on the existing and new (Mersey Gateway) bridges between Runcorn and Widnes. There may have been meetings internal to the Government or with someone other than those representing the Authority responsible for the Mersey Tunnels, but I am not at this stage asking for those documents. Note that the responsible authority for the Mersey Tunnels since April 2014 is the Liverpool City Region Combined Authority but that the people acting for the Authority may have used the 'Merseytravel' name and email address.

    If these documents contain information which is not related to tolls or tolling powers on the Mersey Tunnels or on the existing and new (Mersey Gateway) bridges between Runcorn and Widnes, then you may wish to exclude that part of the information which is outside this request."

11. The public authority refused to comply with the above request relying on the cost exemption at section 12(1) FOIA[2].

[2] A public authority may refuse to comply with a request citing section 12(1) FOIA if it considers that the cost of compliance would exceed the appropriate limit.

12. The application of section 12(1) FOIA to the request of 6 December 2015 above was upheld by the Commissioner in decision notice FS50627712 issued on 17 November 2016[3].

13. The Commissioner's decision above was upheld by the First-Tier Information Rights Tribunal (Tribunal) on 30 October 2017 in case EA/2016/0286[4].

14. In the course of responding to the Commissioner further to case FS50627712, the public authority provided the Commissioner with a series of word searches and results that led it to conclude that complying with the request would have exceeded the appropriate limit. In one example, the public authority stated that one official carried out a keyword search of their personal outlook folder to identify emails held using a series of keywords that would need to be considered to comply with the request. One of the key words searched was 'toll' and this search generated 134 emails in their account. This was part of a much wider search to locate information within scope of the original request. It is these emails that now fall within scope of the current request of 18 January 2018[5].

Reasons for decision

Applicable access legislation

15. 'Environmental information' is exempt from disclosure under the FOIA by virtue of section 39 FOIA.

16. Environmental information is defined in regulation 2(1) EIR[6].

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[3] https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1625424/fs_50627712.pdf

[4] http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2093/McGoldrick,John%20EA.2016.0286%20(30.10.2017).pdf

The Tribunal also found that the public authority had provided inadequate advice and assistance to the complainant and consequently found the authority in breach of section 16(1) FOIA.

[5] The Tribunal referred to these emails at paragraph 13 of their decision above.

[6] http://www.legislation.gov.uk/uksi/2004/3391/regulation/2/made

17. The Tribunal issued the following finding in agreement with the Commissioner in case EA/2016/0286:

    "….the appellant's request could cover both non- environment and environmental information, for the purposes of regulation 2(1)(c) but that it would defeat the purpose behind section 12 and regulation 12(4)(d) if a public authority were obliged to collate the requested information in order to ascertain what information fell under either FOIA or the EIR. We agree, therefore, that HM Treasury was correct to consider the request under section 12, even though it might include some environmental information. Separating out environmental information within the scope of the request would be unnecessary, given that information is exempt information for the purposes of FOIA if the authority is obliged to make the information available by reason of the EIR (section 39)."

18. The Commissioner has adopted the same approach in this case. The 130 emails could cover both non- environment and environmental information. However, it would defeat the purpose of relying on section 14(1) in this case for the public authority to review the 130 emails in order to ascertain what information fell under either the FOIA or the EIR.

Section 14(1) FOIA

19. By virtue of section 14(1) FOIA, a public authority is not obliged to comply with a request for information if the request is vexatious[7].

20. Section 14(1) may be used in a variety of circumstances where a request, or its impact on a public authority, cannot be justified. A public authority may apply section 14(1) where it can make a case that the amount of time required to comply with a request would impose a grossly oppressive burden on the organisation. The Upper Tribunal has observed that:

    "Section 14…is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)…The purpose of Section 14…must be to protect the resources (in the broadest sense

[7] http://www.legislation.gov.uk/ukpga/2000/36/section/14

of that word) of the public authority from being squandered on disproportionate use of FOIA…"[8]

21. The Commissioner considers that a public authority refusing a request on the grounds that complying with the request would impose a grossly oppressive burden on the authority is most likely to have a viable case where:

- The requester has asked for a substantial volume of information AND
- The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the Commissioner AND
- Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

22. More generally in relation to the application of section 14(1), the Commissioner is also of the view that a key question to consider is whether the purpose and value of the request provides sufficient grounds to justify the burden and disruption from complying with that request. This should be judged as objectively as possible. In other words, would a reasonable person think that the purpose and value are enough to justify the impact on the authority?

The complainant's submissions

23. The complainant's pertinent submissions are reproduced below. These were set out in a letter to the Commissioner dated 19 June 2019.

"The HMT review reply on 20th May 2019 says-

"... We explained in our reply of 27 March 2018 to your current request that the information in these emails does not necessarily involve the parties named in your original request and may not relate to the subject matter of your original request either. The emails were identified during an initial search of information containing key words that would then need to be considered further to identify if the information fell within the scope of your original request.

[8] Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) at paragraph 10.
http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=3680

The Treasury does not record information in a way that can be used to easily identify all the information in scope of your December 2015 request and so the best way to search for the information was to search using key words that we believed were likely to appear in any relevant communications. However, information in scope may contain one key word but not another and so we believed that multiple searches using a variety of key words was required.

Whilst we acknowledge that some searches may have resulted in duplication of results, or indeed a result that was not relevant to your request, a separate search was required of each key term individually, otherwise information that we held in scope of your request may not have been identified. This was made clear to the Information Commissioner's Office during their investigation. Not all the emails identified using the search term 'toll' will therefore be relevant to your original request. In light of this we do not believe the purpose and value of this request would justify the disruption that would be incurred by complying with the request."

This is absolutely crazy. The HMT has deliberately searched for and found documents on a basis that was not as we requested. It may well be that none of these documents had anything to do with our 6th December 2015 request. It seems that from what the HMT say that not only may these emails have nothing at all to [do] with tolls and "may not relate to the subject matter" of our "original request", they may not even have been emails to or from the authority as the emails do "not necessarily involve the parties named in your original request". As the authority uses email addresses in the 'merseytravel.gov.uk' domain it is outrageous that the HMT search included emails that were neither going to nor coming from that domain. Overall this is a scandalous admission that the ICO was given misleading information about the extent of the documents.

In any event the fact that these emails may all be spurious is irrelevant to our January 2018 request, we asked for the 134 emails - we did not specify what should be in them.

The HMT in their original refusal in March 2018 claimed that "we would need to review in detail each of the 130 emails and any attachment(s) separately, with a view to determining whether any of the information is exempt from release, for example, due to sensitivities or personal data, and to then redact any exempt material. The effort required to review, assess, extract and prepare that information would be considerable." So considerable it seems that the cost would go over the limit.

This is nonsense. Even if done completely manually this would not take a time anywhere near the cost limit. And we would expect the HMT to

have computer aids to, for instance, remove any 'personal data' from these documents which they had claimed to the ICO had something to do with our original request."

The public authority's submissions

24. The public authority's submissions are summarised below.

25. Section 14(1) FOIA has been engaged for the following reasons: (1) complying with the request would impose a grossly oppressive burden on the department and (2) due to the limited purpose and value of the request.

Grossly oppressive burden

26. The 130 emails vary in length and many contain attachments which would also need to be considered. The topics within the emails vary greatly and cover a number of cross-over subject matters with varying degrees of sensitivity. Many only make a general reference to the Mersey tolls and some make no reference at all.

27. To assist the Commissioner with her investigation, the public authority provided copies of the 130 emails held along with any attachments. For the avoidance of doubt, these emails were provided to the Commissioner solely for the purposes of her investigative functions in section 50 FOIA.

28. The public authority further submitted that in order to consider the information for release, officials would need to consider each of the documents in detail to identify any sensitivities and potentially exempt information, for example under section 35 (formulation or development of government policy), section 43 (prejudice to commercial interests) and section 40 (personal data). Potentially sensitive information is likely to be scattered throughout the documents rather than in easily identifiable sections, making the task of identifying it all the more challenging and time-consuming. Given the range of subject matters covered by the request it is likely that expertise for different subjects will be found in a number of teams across the department, and more widely across government. Therefore, consultation both internally and externally will be extensive and burdensome but will be necessary to ensure that information is not released if it would not be in the public interest to do so. Any exempt material will then need to be redacted.

29. The public authority considers that the time taken to consider and consult on each document including assessing the public interest and completing redactions will vary significantly. At a conservative estimate, based on 30 minutes per document, it would take approximately 65 hours to comply with the request.

Purpose and Value

30. The public authority submitted, with reference to the Commissioner's published guidance, that although the FOIA is applicant blind, a public authority may take into account the wider context in which a request is made and any evidence an applicant is willing to volunteer about the purpose behind their request. It can consider any comments the applicant might have made about the purpose behind their request and any wider value or public interest in making the requested information publicly available.[9]

31. The public authority considers that the complainant has made clear from previous requests his purpose in seeking to obtain information. The December 2015 request which was the complainant's first request to the public authority on the subject of Mersey Tunnel Tolls asked for information relating to contact between the government and the Authority responsible for the Mersey Tunnel Tolls. Subsequently, in the complainant's request submitted on 31 October 2017[10], he was explicitly clear that he was interested in information relating to contact between the government and the Authority responsible for the Mersey Tunnels. The complainant was also clear as to what information he was seeking – for example, he was not asking for documents concerning internal meetings or documents containing information which is not related to tolls or tolling powers on the Mersey Tunnels.

32. With regard to the current request for the 134 emails containing the word 'toll', the public authority noted that it had explained in its response to the complainant (on 27 March 2018) that the information in these emails does not necessarily involve the parties named in the original request (ie the Authority responsible for the Mersey Tunnels) and may not relate to the subject matter (ie the Mersey Tunnel Tolls). This is because the emails were identified during an initial search of information containing key words that would then need to be considered further to identifying whether the information fell within the scope of the original request. As was made clear to the complainant in the response of 27 March 2018 and as had previously been acknowledged to the Commissioner during the course of her investigation of case

[9] Commissioner's guidance on the application of section 14(1) - https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf

[10] The request of 31 October 2017 which was refused on the basis of section 12 FOIA is reproduced in Annex A.

FS50627712, not all the emails identified using the search term 'toll' are relevant to the complainant's previously stated intention.

33. Both the response of 27 March 2018 and the internal review reply of 20 May 2019 advised the complainant that he could refine his request, for example, to those emails that are relevant to the original request of December 2015 from within the 130 emails held by the public authority. This would make the request more manageable and provide a more purposeful request.

34. In conclusion, complying with the request would place a strain on the resources of the business area that would be charged with dealing with the request. This would adversely affect the team in delivering its other policy work. Complying with the request would impose a grossly disproportionate burden on the public authority's resources given the limited value in much of the information held in the 130 emails compared to the purpose behind the request itself.

The Commissioner's considerations

35. The Commissioner has first considered whether complying with the request would impose a significant burden on the public authority's resources.

36. Although there are 130 emails within the scope of the request, these include a number of attachments containing a sizeable amount of information relating to government policy. The Commissioner accepts that the information covers a range of subject matters, some of which make no reference to Mersey Tunnel tolls and some of which only make a general reference to it.

37. Given the range of subject matters covered by the 130 emails along with the attachments, the Commissioner accepts that officials would need to consult with expertise for different subjects in a number of teams across the department and possibly across government to ensure that exempt information is not released in response to the request. The Commissioner is satisfied that officials would not be able to easily isolate the exempt material in the 130 emails. She considers that although in some cases it might take less than 30 minutes to review and possibly consult on a document, it might take longer than 30 minutes to review and consult on other documents given their subject matter and/or length. Therefore, 65 hours is a reasonable estimated amount of time it would take to comply with the request. It is highly unlikely in the Commissioner's view that it would take 24 hours or less to comply with the request. It is also worth noting that given the emails are from 2015, officials are likely to more sensitive about releasing them than they

might be in relation to older information and thus likely to consult more widely both internally and across government.

38. In light of the above, the Commissioner finds that complying with the request would impose a significant burden on the public authority's resources in the broadest sense of the word.

39. The Commissioner next considered whether the request lacks any serious value and purpose.

40. The public authority has, not unreasonably, focused on the fact that the complainant is interested in information relating to contact between the government and the Authority responsible for the Mersey Tunnels particularly tolling powers. The public authority therefore considers that the request for 134 emails containing the word 'toll' - emails it has stressed do not necessarily involve the parties named in the complainant's original request (ie the Authority responsible for the Mersey Tunnels) and may not all relate to the subject matter (Mersey Tunnel Tolls) - lacks any serious value and purpose.

41. However, it seems to the Commissioner that the complainant would also like to examine the 130 emails held in order to determine for himself whether they "have anything to do" with his original request of December 2015 because he is of the view that the emails should not have been considered by the public authority further to the authority's application of section 12 FOIA to his original request of December 2015. In his own words: "In any event the fact that these emails may all be spurious is irrelevant to our January 2018 request, we asked for the 134 emails - we did not specify what should be in them."

42. In response, the public authority has argued it does not consider that the complainant's interest in accessing information in order to confirm whether it is relevant to a previous request justifies the burden of complying with the request. Indeed, according to the authority, the request could be termed a fishing expedition with limited value as it is clear much of the information within scope of the request is not pertinent to either the original request or the issue of Mersey tolls more generally.

43. The Commissioner is mindful of the Upper Tribunal's observation in Dransfield that; "public authorities should be wary of jumping to

conclusions about there being a lack of any value or serious purpose behind a request simply because it is not immediately self-evident."[11]

44. Ultimately, the complainant's objective is to obtain information from the public authority in relation to contact between the government and the Authority responsible for the Mersey Tunnels particularly tolling powers. More immediately however, it seems the complainant's intent is to obtain the 130 emails primarily because he disagrees with the decisions of both the Commissioner and the Tribunal to uphold the public authority's application of section 12 FOIA to his original request of December 2015. In his own words to the Commissioner in his letter of 19 June 2019 setting out the grounds of his complaint:

"It was our very strong view that the ICO had failed to understand that the HMT had used a totally invalid way of assessing the amount of information involved. We appealed to the Tribunal."

"Again it was our strong view that the Tribunal had failed to understand the point that the search method being used was invalid and that such methods could wrongly be used to deny almost any request."

45. With respect to the complainant's ultimate objective of obtaining information in relation to contact between the government and the Authority responsible for the Mersey Tunnels, the public authority has submitted, and the Commissioner has accepted, that the emails cover a range of subject matters, some of which make no reference to Mersey Tunnel tolls and some of which only make a general reference to it. Furthermore, the public authority has advised the complainant to consider submitting a more focused request, for example, one limited to copies of those 130 emails that are relevant to the original request of December 2015. The complainant does not appear to have taken this advice. It is worth noting here that following the Tribunal's decision on 30 October 2017 in case EA/2016/0286 in which the public authority was ordered to provide adequate advice and assistance to the complainant, the complainant submitted a fresh request to the public authority a day after the Tribunal's decision before the authority was able to consider the decision including the order to provide advice and assistance. In that request of 31 October 2017, he also stated:

"I am a retired systems accountant and it seems to me that both the ICO and the Tribunal have not really understood the effect of the search

[11] Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) at paragraph 38.

method that you used. I am perplexed as to how any advice and assistance from you will change the situation, though I look forward to receiving this advice and assistance in due course."

46. In his complaint to the Commissioner, the complainant appears to be silent on whether he did in fact receive additional advice and assistance from the public authority further to the Tribunal's decision and what, if any, effect it had on the nature of the request he made on 18 January 2018. Nevertheless, it would appear from his statement above that he had already concluded that any advice and assistance provided would not make a difference.

47. In light of the above, the Commissioner finds that the request is limited in value relative to the ultimate objective of obtaining information in relation to contact between the government and the Authority responsible for the Mersey Tunnels.

48. With respect to the complainant's more immediate intent it appears, of obtaining the 130 emails held primarily because he disagrees with the decisions of both the Commissioner and the Tribunal in respect of his original request of December 2015, it was open to the complainant to seek permission to appeal the Tribunal's decision to the Upper Tribunal. There is no evidence to suggest he did. However, even if he did not succeed at the Upper Tribunal, the Commissioner considers that complying with the request for 134 emails in order to effectively re-litigate a complaint that has been decided would impose a disproportionately significant burden on the public authority's resources relative to the purpose and value of the request. Both the Commissioner and the Tribunal made clear in their respective decisions that they were satisfied with the steps that the public authority would need to take in order to comply with the original request of December 2015 including the search term used further to the identification of the 134 emails in question. The complainant clearly disagrees. However, there is a legal process in place to challenge both the Commissioner's and the Tribunal's decisions. Therefore, there is little value in his request which primarily seeks to obtain information from the public authority that the Commissioner and the Tribunal already took into account within the parameters of their decisions in order to re-litigate the matter.

49. In light of the above, the Commissioner finds that the request is limited in value relative to the immediate objective of reviewing the 130 emails in order to challenge the application of section 12 FOIA to the complainant's original request of December 2015.

50. In conclusion, the Commissioner is satisfied that the public authority was entitled to rely on section 14(1) FOIA on the grounds that

complying with the request would impose a disproportionately significant burden on its resources.

Procedural Matters

51. A public authority is required by virtue of section 10(1) FOIA to respond to an applicant's request promptly and no later than 20 working days following receipt of the request.

52. The request was submitted on 18 January 2018. The public authority responded on 27 March 2018. The Commissioner therefore finds the public authority in breach of section 10(1) FOIA.

Other Matters

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53. The FOIA does not contain a time limit within which public authorities have to complete internal reviews. However, the Commissioner's published guidance explains that in most cases an internal review should take no longer than 20 working days in most cases, or 40 working days in exceptional circumstances.

54. The complainant requested an internal review on 12 April 2018. The public authority responded on 20 May 2019.

55. The public authority explained that it was important to undertake a proper review of the case, consider all of the issues in full and arrive at the correct conclusions. The outcome of the review was issued as soon as the review had been concluded. It stressed that it took internal reviews seriously and measures had been put in place to reduce the chance of delays like this occurring again.

56. The Commissioner considers it unacceptable for a public authority to take over a year in order to complete its internal review. However, she trusts that the lessons learnt from this case would assist the public authority in ensuring that such lengthy delays do not re-occur.

Right of appeal

57. 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: 0116 249 4253
    Email: grc@justice.gov.uk
    Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

58. 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.

59. 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……

Terna Waya
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Annex A – request ref FOI2017/18931 - 31 October 2017

"I represent various anti toll groups. On 6 December 2015 I made an information request which followed on from various statements made in 2015 about reducing or removing tolls on the Mersey Tunnels. Some of the statements came from the then Chancellor and his party colleagues and some from members of the Liverpool City Region Combined Authority. It was explicit and implicit in the various statements that there would be contact between the Government and the Authority.

You eventually refused to supply the requested information on the ground that the amount of documents was excessive and would exceed the cost limits for FoI. Apart from the fact that information regarding to tolls is usually classed as Environmental information, I pointed out that you had searched for documents using an 'or' basis with sundry words including 'Liverpool City Region' that would have resulted in finding virtually all the documents that passed between HMT and that authority whether the subject was tolls or not.

The way that you did the search was unreasonable and I complained to the ICO and then the Information Tribunal. That process dragged on for nearly two years and yesterday I received the Tribunal decision. In brief they allowed the appeal but only said that "HM Treasury was in breach of its duty under section 16 to provide advice and assistance to the appellant."

I am a retired systems accountant and it seems to me that both the ICO and the Tribunal have not really understood the effect of the search method that you used. I am perplexed as to how any advice and assistance from you will change the situation, though I look forward to receiving this advice and assistance in due course.

In the meantime I am making a fresh information request. The previous request was primarily about the Mersey Tunnels tolls, but mentioned Mersey Gateway tolls, I have not specifically included that in this fresh request. I have also tried to make it clear that we only want information related to the request we are not after documents that are not related to this request. We are not asking for all the documents on any subject that happen to include the words 'Liverpool City Region' or 'Merseytravel' or some variation of those words. We have also dropped the first part of the 2015 request which was for "1. A list of all recorded contacts, by the Government or Government officials with the Authority responsible for the Mersey Tunnels, after January 2015, which have included any mention or discussion of Mersey Tunnel tolls or tolling powers."

What we want is –

A copy of any documents (including letters and emails) received or sent to the Government or Government officials and any agendas or minutes or notes of any meetings between the Government or Government officials and the Authority responsible for the Mersey Tunnels, after January 2015 to date, which include any mention of tolls or tolling powers on the Mersey Tunnels. WE ARE NOT ASKING FOR ANY DOCUMENTS THAT DO NOT INCLUDE THE CHARACTER STRING 'TOLL'.

As we said in the 2015 request - "There may have been meetings internal to the Government or with someone other than those representing the Authority responsible for the Mersey Tunnels, but I am not at this stage asking for those documents. Note that the responsible authority for the Mersey Tunnels since April 2014 is the Liverpool City Region Combined Authority but that the people acting for the Authority may have used the 'Merseytravel' name and email address.

If these documents contain information which is not related to tolls or tolling powers on the Mersey Tunnels then you may wish to exclude that part of the information which is outside this request."