

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA310317-7764

9 June 2017

Dear [REDACTED]

Thank you for your request for information which the GLA received on 31 March 2017 in which you requested the release of the following information:

Any correspondence between the Mayors Office and the Department for Transport, or any other external body regarding Crossrail 2 for the dates 1 September 2016 to 21 March 2017.

High level correspondence is therefore defined as being between the Mayor, his team as listed at <https://www.london.gov.uk/people/mayoral> and external parties (including Michele Dix at TfL)

Your request has been considered under the Environmental Information Regulations (EIR) and we can today release to you the enclosed information which is held by the GLA.

However, after careful consideration, some information has been withheld as it falls under the exceptions to disclose found under regulation 12(4)(d) of the EIR. Regulation 12(4)(d) is engaged when the request relates to material that is still in the course of completion, unfinished documents or incomplete data. If the information in question falls into one of these categories, then the exception is engaged.

This provision has been applied to withhold unfinished documents and information that relates to, or discuss the content of, those documents. Guidance published by the Information Commissioner clarifies:

"The fact that the exception refers to both material in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may itself be finished, it may be part of material which is still in the course of completion. An example of this could be where a public authority is formulating and developing policy."

This same guidance also clarifies that material which is still in the course of completion can include information created as part of the process of formulating and developing a policy, decision or recommendation.

In this regard, this regulation of the EIR acknowledges that public authorities should have the necessary space to think in private, to develop and explore the full range of options relevant to a particular policy or process in a "safe space"; protecting the integrity of the decision making process, and the free and frank exchange of ideas, options and suggestions that form part of that process.

In relying on these EIR exception provisions under regulations, the GLA is required to balance the public interest in order to decide whether the information should be withheld. Under regulation 12(1)(b), the public authority can only withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Furthermore, under regulation 12(2), it must apply a presumption in favour of disclosure.

There is a strong public interest in the release of information that would inform and engage public debate on issues pertinent to the Crossrail 2. The release of the information covered by this exception would also therefore help reassure the public that we are considering the most appropriate options and advice regarding the project.

There is a general public interest in transparency in relation to transport matters, particularly in the decision making behind, and progress of, developments of this size and impact. Disclosure of this information would enable members of the public to understand more fully the decision making process. Furthermore, the public interest is served by the GLA being transparent and open to scrutiny to increase diligence.

Effective policy and decision making should be informed by engaging with the public and key stakeholders; however this engagement needs to be structured to be effective. Release of this information at this time would divert attention and resources away from the task at hand and towards responding to external thoughts whilst discussions are still ongoing. This in turn would also be likely to have an adverse effect on the GLA's ability to engage in free-flowing and honest exchanges of views in the future as it is likely that officials would become reluctant to explore all options - including unpopular or unlikely ideas - for fear of disclosure and negative publicity.

On balance, we find the public interest favours maintaining these provisions at this time and this information is accordingly being withheld from disclosure. However, as you will see, other than some minor redactions to remove personal data and other identifiable information from the documents, and to remove information that is out-of-scope of your request, we have engaged this exception provision sparingly and are releasing the majority of the information held by the GLA in response to your request.

In closing, I would also like to apologise for the time taken to provide you with our response to your request and to thank you for your patience. I hope this short delay has not inconvenienced you unduly. If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

Paul Robinson
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>