

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

**Date: 10 April 2007**

**Public Authority:** Transport for London ("TfL")  
(acting on behalf of any subsidiary authority)  
**Address:** Windsor House  
42-50 Victoria Street  
London  
SW1H 0TL

### Summary

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The complainant submitted a number of requests to the public authority between February and June 2005 which mainly focussed on issues relating to the public authority's pension fund. The complainant alleged that in processing these requests the public authority committed a number of breaches of the Act. The Commissioner has investigated the matter and concluded that the public authority breached section 1 of the Act twice by failing to provide the complainant with information he was entitled to under the Act, breached section 10 by failing to provide requested information within 20 working days and breached section 17 by failing to supply a refusal notice. However, the Commissioner has established that in relation to a number of other requests, TfL did fulfil the duty at section 1 by providing the complainant with all the information it held within 20 working days. The Commissioner has also decided that the public authority was correct to rely on section 14 as a basis to refuse one of the complainant's later requests.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 ("the Act"). This Notice sets out his decision.

### The Requests

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2. The complainant submitted eight requests for information over the period 6 February 2005 to 21 June 2005. The details of these requests are included in a request annex which is attached to this decision notice.

## The Investigation

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### Scope of the case

3. On 27 September 2005 the complainant contacted the Commissioner to complain about the way a number his requests had been handled. The complainant informed the Commissioner that he did not believe the Act had been correctly applied and asked the Commissioner to make a decision. The Commissioner understood the basis of the complaint to be the following:
  - (i) in responding to request 1, TfL failed to provide the information requested.
  - (ii) with regard to request 2, TfL failed to respond to the revised request of 19 April 2005. The complainant also alleged that in responding to his original request of 10 March 2005 TfL informed him that it did not hold the information requested on record. The complainant has alleged that this is incorrect.
  - (iii) with regard to request 4, TfL failed to supply this information within 20 working days.
  - (iv) with regard to request 5, TfL incorrectly refused to supply this information on the basis that they did not hold it for the purposes of the Act.
  - (v) with regard to request 6, TfL incorrectly tried to charge the complainant £50 for a copy of this document when it should have been available for no charge under the Act.
  - (vi) with regard to request 7, TfL were incorrect to refuse to supply this information on the basis that it was vexatious under section 14.
  - (vii) with regard to request 8, TfL failed to supply this information within 20 working days.
4. The complainant also informed the Commissioner that he wished to complain about TfL's handling of request 3. At the time the Commissioner was investigating the issues dealt with in this decision notice, TfL was still conducting the internal review into its handling of request 3. The internal review has now been concluded but TfL have cited a number of exemptions as a basis for withholding some information. TfL's application of these exemptions is now being considered by the Commissioner as a separate complaint and the decision notice on this case will be issued in due course.

### Chronology

5. The complainant provided the Commissioner with copies of his extensive correspondence with TfL that was generated by these requests. This

correspondence included copies of the original requests, requests for internal review and outcomes of the internal reviews. This correspondence formed the basis of the Commissioner's investigations into these complainants.

6. During August 2006 and March 2007 the Commissioner felt it necessary to contact both the complainant and TfL on numerous occasions in order to clarify a number of issues surrounding these complaints. The details and subsequent outcomes of each of these discussions are covered in detail in the analysis section of this decision notice under the relevant complaint headings.

## Analysis

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### Complaint (i)

7. In his initial letter of complaint to the Commissioner, with regard to request 1, the complainant alleged that TfL had provided him with 'incorrect information'. During the course of his investigation, the Commissioner asked the complainant to clarify what he meant by 'incorrect information'.
8. The complainant explained to the Commissioner that although his request had been fulfilled in the sense that he had been provided with copies of the relevant reports he believed that there had been a problem with the production of the reports. This has resulted in sections of the reports for the quarters ending 30/09/04 and 31/12/04 being duplicated and therefore the information supplied was 'incorrect'.
9. The Commissioner has considered this point and concluded that the complainant's dispute is in regard to the accuracy of the information provided and not the failure of TfL to provide the requested information. The complainant asked for the four quarter ending reports and TfL provided these to him. However, the accuracy of the information supplied by a public authority in response to a request is not an issue that is covered by the Act. Under section 1 of the Act, public authorities have to confirm or deny whether they hold the information requested and if so communicate that information to the applicant or provide a refusal notice citing one or more of the exemptions contained with Part II of the Act.
10. With regard to request 1, the Commissioner considers that TfL fulfilled its duties under section 1 of the Act because it provided the complainant with the information requested, i.e. the four quarterly reports. The fact that these reports may have contained erroneous statements does not affect the fact that TfL provided the information as described in request 1 and therefore complied with the Act.

### Complaint (ii)

11. The Commissioner has established that the complainant submitted request 2(a) on 10 March 2005 which contained 10 separate questions. TfL refused to respond to this request in its entirety on the basis that to do so would be likely to

exceed the fees limit. In line with its duty under section 16 of the Act TfL provided the complainant with advice and assistance so that his original request could be narrowed and answered within the cost limit. The complainant agreed to do this and a narrowed request containing four questions (request 2(b) in the annex) was submitted on 19 April 2005.

12. However, the complainant alleged that TfL incorrectly informed him 'that it is not the case that the information you requested is already on record'. The complainant explained to the Commissioner that he believed that TfL did hold some of the information on record which could have been used to fulfil his request of 10 March. The complainant specifically referred to an internal memorandum produced by TfL's legal department for the quarter ending 31/03/2005 which contained a summary of employment tribunals taken against TfL.
13. The complainant alleged that this document could have been used to answer some parts of his request of 10 March 2005, particularly the part of the request which asked for the number of employment Tribunals raised against TfL since the organisation was created in 2000.
14. The Commissioner has reviewed a copy the document in question which is entitled 'Employment Law Update'. This eight page document was the first edition of quarterly update which is circulated to TfL managers who are responsible for, or advise on, people management issues.
15. The Commissioner has noted that this document contains a brief overview of legislative changes and recent case law in the employment field, as well as a very basic summary of the number of current employment tribunal cases TfL was dealing with at the time. However, the Commissioner does not believe the information contained within the report could have been used to fulfil any of the questions contained in the original request of 10 March 2005.
16. With regard to the refined request of 19 April 2005, the complainant alleged that he had not received a response to this request and therefore TfL had breached the Act. However, the Commissioner has been provided with evidence which shows that TfL emailed the complainant with a full response to this request on 18 May 2005. The Commissioner therefore accepts that TfL fulfilled its duties under section 1 and 10 of the Act by providing the information requested within 20 working days and therefore no breach of the Act occurred. During the course of this case, the Commissioner provided the complainant with a copy of the response dated 18 May 2005 with the permission of TfL.

### **Complaint (iii)**

17. The Commissioner has established that the complainant submitted request 4 on 19 April 2005 and that TfL responded to this request on 23 May 2005. TfL's response of 23 May informed the complainant that the information he requested was available 'for a charge of £50, which includes copying, postage and packing'. The complainant contacted TfL on 21 June 2005 and queried why the charge for supplying the information covered by request 4 was so high.

18. On the 18 July 2005 TfL contacted the complainant once again and with regard to the information covered by request 4 explained that 'I should offer my apologies as I had incorrectly advised that a charge was to be made for the provision of this documentation to members. I now understand that this is not currently the case and therefore I attach a copy of the latest version for your records.'
19. The Commissioner sought an explanation from TfL as to why it had initially suggested that a charge would be made for the provision of the information covered by request 4 and clarification as to whether this information was being supplied to the complainant under the Act or another piece of legislation (e.g. the Pensions Act 1995).
20. TfL informed the Commissioner that until early July 2005, TfL was of the view 'that the FOI Act did not apply to TfL's Pension Fund as it is not a constituent part of TfL nor a company wholly owned by TfL'. TfL explained that any requests for information created or owned by the Pension Fund were not treated under the requirements of the Act, but rather under the disclosure requirements of the Pensions Act 1995, hence the initial suggestion to the applicant that a fee would be payable for copies of the information covered by request 4.
21. However, TfL explained to the Commissioner that it had decided to review this position in July 2005 and 'concluded that the Pension Fund was in fact captured by the requirements of the Act.' Consequently, the information covered by request 4 was provided to the complainant for no charge on 18 July 2005.
22. The Commissioner has considered TfL's handling of request number 4. The Commissioner believes that TfL's modified position, that the information held by its Pension Fund is covered by the Act, is correct. Moreover, the Commissioner believes that the information held by the Pension Fund was covered since the introduction of the Act in January 2005. Therefore, the Commissioner believes that TfL breached section 1 of the Act by failing to supply the complainant with the information he was entitled to at the time of the request.

#### **Complaint (iv)**

23. The Commissioner has established that the complainant submitted request 5 on 27 April 2005 and that TfL refused to answer this request on the basis that the information was held by a body not covered by the Act. TfL informed the complainant that 'The FOI Act applies to public bodies identified in Schedule 1 of the Act, of which Transport for London is one. I have taken advice on the standing of the Pension Consultative Committee ("PCC") and it is apparent that it is a distinct entity that does not form part of TfL. It is not listed separately in Schedule 1 of the FOI Act. Information relating to the PCC is not "held" by TfL within the meaning of the FOI Act. Therefore, there is no obligation to respond to your request and no further action will be taken on it.'
24. With regard to this complaint, the Commissioner asked TfL to re-consider its decision and suggested that the PCC was holding the minutes on behalf of TfL and therefore the information should have been provided by virtue of section 3(2)(b) of the Act. TfL confirmed to the Commissioner that since the date of this

request, it had altered its position and confirmed that the PCC is administered by TfL, and that PCC information is, for the purposes of complying with the Act, held by TfL and therefore subject to disclosure through the normal request handling procedures'.

25. The Commissioner now understands that the information covered by request 5 has now been provided to the complainant. However, in handling this request the Commissioner considers that TfL breached section 1 of the Act by failing to provide the complainant with information to which he was entitled under the Act at the time of the request.

### **Complaint (v)**

26. The Commissioner has established that the complainant emailed TfL on 9 May 2005 and asked to visit the Pension Fund offices in order view a copy of the Actuarial Valuation. TfL confirmed to the Commissioner that this request was refused because 'for reasons not associated with his FOI requests. TfL had prior to this request being received, asked [the complainant] not to visit any TfL premises. We were therefore unable to fulfil his request in this way'.
27. TfL informed the complainant at the time of his request that if he wished to be provided with a copy of the report, he would have to pay a fee of £50 to cover copying, packaging and posting. The complainant refused to pay for a copy of the report and complained to the Commissioner because he believed that he should have been provided with a copy for free under the Act.
28. TfL acknowledged to the Commissioner 'that this part of his email [i.e. the request to view the report] of 9 May was not correctly identified as a valid FOI request and therefore it was not treated as such'. At the time of this request, as is detailed above, TfL were of the opinion that the Fund was not covered by the FOI Act. On this basis, TfL have explained that the request was in effect dealt with under the disclosure requirements of the Pension Act 1995.
29. The Commissioner understands that the Occupational Pension Schemes (Disclosures of Information) Regulations 1996 ("the Pensions Regulations") grants occupational final salary members, their prospective members, spouses, beneficiaries and any trade union an entitlement to receive a copy of the scheme's last actuarial valuation within two months of requesting one. In line with these requirements, TfL had two procedures in place for parties covered by the right of access granted by the Pension Act (which included the complainant in this case) to gain access to the actuarial valuation. The first route was by viewing the document at the Fund Offices. The second route was by paying £50 to be provided with a copy of the document.
30. The Commissioner is of the opinion that TfL could have correctly cited section 21 in response to this request because the information was reasonably accessible to the applicant. In this instance, although the complainant could not view the report in person, he could have paid £50 in order to be provided with a copy. The Commissioner's guidance on section 21 notes that:



*'applicants may complain that information is not reasonably accessible because it is not free. However, section 21 makes it clear that information may be reasonably accessible to the applicant even though there may be a charge.'*

31. However, TfL did not cite section 21 because it failed to correctly identify request 6 as an FOI request. In doing so the Commissioner considers that TfL breached section 17 of the Act because it failed to provide the complainant with a refusal notice citing section 21.
32. During the course of the Commissioner's investigations, TfL agreed, given the particular circumstances in this case, i.e. the complainant being unable to view a copy of valuation for free, to provide the complainant with a copy of the valuation for free and waive the £50 charge. The Commissioner understands that this information has now been sent to the complainant.
33. The Commissioner has commented further on the interaction of the Act and the right of access created by the Pensions Act in the 'Other Matters' section of this decision notice.

### **Complaint (vi)**

34. Section 14(1) provides that –

*"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious".*

35. The Commissioner has produced awareness guidance 22 as a tool to assist in the consideration of what constitutes a vexatious request.
36. In line with the above guidance, the Commissioner's general approach was to consider whether the public authority had clearly demonstrated whether request 7 would impose a significant burden and:
  - clearly does not have any serious purpose or value;
  - is designed to cause disruption and annoyance;
  - has the effect of harassing the public authority; or
  - can otherwise be fairly characterised as obsessive or manifestly unreasonable.

### **Significant Burden**

37. In its representations to the Commissioner TfL explained that at the time of this request the complainant's FOI requests represented only a small part of its contact with him. TfL has explained that it also received extensive correspondence in relation to the complainant's Employment Tribunal hearing and previous subject access requests made under the Data Protection Act. TfL suggested that the time, effort and resources needed to manage the amount of

correspondence that was being received from the complainant placed a significant burden on its resources.

38. The Commissioner considers that this is evidenced by fact that TfL had to devise an internal strategy to manage all of the complainant's correspondence to it. TfL asked the complainant to put all enquires in writing rather than telephoning individual members of staff directly. Furthermore, TfL asked the complainant to direct all written correspondence to one single named contact who would forward the correspondence on to the relevant area to be dealt with.
39. However, in its submissions to the Commissioner, TfL conceded that at the time of request 7 it did not keep a formal record of the time and costs involved in answering the complainant's FOI requests. Nevertheless, the Commissioner has reviewed a significant part of the extensive correspondence generated by complainant's contact with TfL and accepts that replying to request 7, when taken with the complainant's other letters and emails to TfL, would have imposed a significant burden on TfL, even if this was not the explicit intention of the complainant.
40. The approach of taking into account a complainant's dealings with a public authority outside of, and previous to, the FOI Act in order to demonstrate a significant burden is consistent with the Commissioner's recent decisions on section 14. In decision notice FS50130467 the Commissioner accepted that previous non-FOI correspondence was correctly used by a public authority to demonstrate that a significant burden would be placed on the public authority and thus the latest FOI request was vexatious. However, the Commissioner notes that that this evidence should only be used to *support* the decision to apply section 14 and the actual request itself must have some of the other characteristics of a vexatious request.

***Purpose or value/Designed to cause disruption or annoyance***

41. TfL has argued that the complainant's FOI requests were part of a concerted effort designed to cause disruption to the day to day activities of TfL and therefore these requests lacked a legitimate purpose or value, as well as placing a significant burden on TfL. The Commissioner does not believe that TfL has clearly demonstrated that this request was *explicitly* designed to disrupt the activities of TfL. However, the Commissioner accepts that whatever the complainant's reasons for submitting request 7, the effect on TfL of processing this request, when taken with his other correspondence, could have had the effect of causing disruption to TfL because of the burden caused by answering the requests.
42. This approach of drawing a distinction between the purpose and effect of a request is consistent with the Commissioner's guidance on section 14. The guidance states that:

*'Effect will need to be considered as well as intention. Even though it may not have been the explicit intention of the applicant to cause inconvenience or expense, if a reasonable person would conclude that the main effect of*



*the request would be disproportionate inconvenience or expense, then it will be appropriate to treat the request as being vexatious'.*

### **Harassment**

43. Furthermore, the complainant's request of 13 May 2005, when viewed alongside his previous FOI requests, could be viewed as harassing the public authority, albeit unintentionally.
44. In considering whether the request of 13 May 2005 could have had the effect of harassing TfL, the Commissioner has considered the frequency and volume of the complainant's correspondence with TfL. In total, including requests, complaints and chaser letters, the complainant emailed or wrote to TfL 23 times during the period covered by the requests detailed in annex 1. This level of correspondence generated 23 replies, either emails or letters, from TfL.
45. Therefore, the Commissioner is satisfied that, even though it may not have been the complainant's intention, request 7, when taken with the earlier requests did have the effect of harassing TfL.

### **Obsessive or manifestly unreasonable**

46. With regard to obsessive or manifestly unreasonable requests, the Commissioner's awareness guidance suggests that:

*'It will be easier to identify such requests when there has been frequent prior contact with requester or the request otherwise forms part of a pattern, for instance when the same individual submits successive requests for information. Although such requests may not be repeated in the sense that they are requests for the same information, taken together they may form evidence of a pattern of obsessive requests so that an authority may reasonably regard the most recent as vexatious'.*

47. The Commissioner has reviewed the nature and volume of correspondence generated by the FOI requests submitted by the complainant. The Commissioner accepts that this request can be seen as the culmination of a pattern of requesting behaviour that could be considered to be manifestly unreasonable by a dispassionate person. In reaching this conclusion, the Commissioner has paid particular attention to the suggestion in his guidance that vexatious cases 'may well arise in connection with a grievance or complaint which an individual is pursuing against the authority'.
48. In this case the complainant had already been involved in proceedings with TfL at the Employment Tribunal and in fact the very information at the centre of this request directly concerned these proceedings. The Commissioner believes that given the information that this request was seeking to acquire, it is evidence of the obsessive and unreasonable nature of the request.

49. Having regard to the above conclusions, the Commissioner is satisfied that request 7 meets the criteria of what constitutes a vexatious request and has therefore decided that TfL correctly applied section 14 to request 7.

### **Complaint (vii)**

50. The Commissioner has established that the complainant submitted request 8 on 21 June 2005 and that TfL did not supply the complainant with a website link to the information until 27 July 2005, outside of the 20 working day period stipulated by the Act.
51. Therefore, the Commissioner considers that TfL breached section 10 of the Act by failing to respond to request 8 within 20 working days.

### **The Decision**

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52. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:

- The Commissioner has concluded that TfL fulfilled its duty under section 1 of the Act by providing the information it held in relation to request 1 and 2b.
- The Commissioner has concluded that TfL were entitled to refuse to answer request 7 on the basis that the request was vexatious under section 14 of the Act.

53. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- The Commissioner has concluded that in handling requests 4 and 5 TfL breached section 1 by not providing the complainant with information that he was entitled to under the Act.
- The Commissioner has decided that TfL breached section 10 by failing to provide the complainant with the information covered by request 8 within 20 working days.
- The Commissioner has concluded that TfL breached section 17 by failing to provide the complainant with a refusal notice citing section 21 as the basis for refusing to answer request 6.

### **Steps Required**

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54. The Commissioner requires no steps to be taken.

## Other matters

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55. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:
56. The complainant informed the Commissioner that when TfL provided him with copies of the reports requested under request 1, TfL included third party personal data in the disclosures. The Commissioner has reviewed a sample of the disclosures and has established that this was the case. The Commissioner has discussed this matter with TfL and asked it to provide an explanation of how and why these errors occurred. The Commissioner accepts that TfL has identified how these errors occurred and has taken the necessary steps to ensure that inappropriate disclosures do not reoccur.
57. The Commissioner has established with TfL that although the Pensions Regulations create a right of access to certain the groups for information such as that covered by request number 6, they do not prevent disclosure to individuals outside of these groups. TfL has therefore explained that if it had received a request from any other individual it would treat it as a normal access request under the requirements of the Act. TfL has explained that in line with the Pension Fund's current position of charging members £50 for a copy of the valuation, it would charge the applicant £50 for provision of this report under the Act. The Commissioner understands that TfL is reviewing this policy with a view to ensuring that when a copy of the valuation is provided under the Act the only charges made are to cover the costs of copying, postage and packaging as specified within The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. However, the Commissioner notes that this approach appears perverse because it effectively disadvantages those people who have a right of access to the information under the Pensions Regulations. Therefore, the Commissioner considers that it may be more appropriate for TfL to include the information in its publication scheme which would then allow it to charge a consistent fee (e.g. of £50) for anybody applying for the information under the Act.

## Right of Appeal

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58. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 10<sup>th</sup> day of April 2007**

**Signed .....**

**Richard Thomas  
Information Commissioner**

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

## Request Annex

### Request 1

#### TfL PF Quarterly Admin Reports (Submitted 6 February 05)

Request 1 was a repeat of an information access request made prior to implementation of the Act in January 2005. This request asked for copies of the TfL Pension Funds quarterly administration reports for the following dates:

01/06/2003 to 30/09/2003

01/10/2003 to 31/12/2003

01/01/2004 to 31/03/2004

01/04/2004 to 30/06/2004

### Request 2(a) (Submitted 10 March 2005)

1. Number of cases TfL have instituted summary dismissal with a breakdown of the reasons for the dismissal.
2. Number of cases reversed upon appeal under TfL policy, i.e. employment re-commenced.
3. Any other actions taken on such cases, e.g. paid off.
4. Number of individuals raising whistle blowing issues with TfL, reasons for whistle blowing and action(s) taken on these.
5. Number of individuals having made a whistle blowing allegation remain employed by the Group and reasons for any difference in numbers between 4. and 5., e.g. retirement.
6. Number of employment tribunals raised against TfL since inception of the Group.
7. Number although raised not taken to tribunal as cash settlement made prior to tribunal date.
8. TfL's policy on Disability/Discrimination Act 1996 in particular how it operates within TfL e.g. what they identify as reasonable adjustments.
9. Total costs to TfL for dealing with all cases highlighted under each point split between internal costs and external costs, i.e. using outside consultants/solicitors as necessary
10. Quarterly staff levels for TfL directly employed staff since OCP started and showing cuts in numbers and "savings" gained. By directly employed I do not mean LUL as I think they have "separate" employee contracts.

**Request 2(b)** (Submitted 19 April 2005)

Number of cases TfL have instituted summary dismissal (with a breakdown of the reasons for the dismissal if easily available).

Number of individuals raising whistle blowing issues with TfL (along with reasons for whistle blowing and action(s) taken if easily available).

TfL's policy on Disability Discrimination Act 1996 in particular how it operates with TfL e.g. what they identify as reasonable adjustments.

Quarterly staff levels for TfL directly employed staff since OCP started and showing cuts in numbers and "savings" gained. By directly employed I do not mean LUL as I think they have "separate" employee contracts.

**Request 3**

**Information on Operation Gilcrux** (Submitted 17 April 2005)

I am aware that an Internal Audit investigation was undertaken by [name redacted], Operation Gilcrux, into financial anomalies under the Pension Fund relating to mis-reporting of VAT and misappropriation of members funds. I request the release of the full paper work created by the said investigation.

**Request 4**

**Trust Deeds and Rules and Codes of Practice** (Submitted 19 April 2005)

I also wish to add a request a copy of the new Rules due to the name change assuming they have been finalised.

I also wish a copy of the Trustees Code of Practice which I believe, should list the following:

- The amount and the extent of the powers they have in relation to the running of the Fund and Fund Office
- Liabilities as Trustees and the extent of cover they have effected or if paid by other means
- Election procedures for becoming a Trustee and requirements thereon
- Voting procedures/rights
- Anything else I have not thought of

**Request 5**

**PCC Minutes** (Submitted 27 April 2005)

I also request receipt of the Pension Consultative Committee minutes for the same period and in addition there is a paper being discussed that was drafted by [name redacted], a PCC member, regarding some 10,000 members who have "lost" membership.



I also wish a copy of the letter in the Trustee Meeting Room from John Prescott, Deputy Prime Minister to [name redacted]. It gives a guarantee of the scheme and is framed and on the only pillar in the room.

I do not believe any of this will breach any part of the Act but no doubt you will advise me should this be so.

**Request 6**

**Actuarial Valuation** (Submitted 9 May 2005)

I wish to visit the fund to view the Actuarial Valuation. Please confirm a suitable time.

**Request 7**

**Eversheds Fees** (Submitted 13 May 2005)

I wish to receive details of the cost in fees to Eversheds and any other costs incurred by TfL in defending my case against them. I also wish confirmation that this is paid directly by TfL and NOT the LRTPF as I am becoming increasingly concerned that this is what is being done/has been done.

I appreciate that at the moment that will exclude any award which is yet to be announced.

**Request 8**

**Full Judgement on LRTPF v Hatt** (Submitted 21 June 2005)

A full copy along with the full judgement by Mr Justice Knox, regarding LRT Pension Fund and its wish to combine both the Wages and Staff Fund to create a new Fund.

## Legal Annex

### Section 1

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 1(2) provides that -

“Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.”

### Section 10

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

### Section 14

Section 14(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”

### Section 17

Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.”

## Section 21

Section 21(1) provides that –

“Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.”

Section 21(2) provides that –

“For the purposes of subsection (1)-

- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.”