

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 January 2024

**Public Authority:** Transport for London  
**Address:** 5 Endeavour Square  
London  
E10 1JN

#### Decision (including any steps ordered)

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1. The complainant has requested correspondence between Transport for London ('TfL') and the University of Westminster's Active Travel Academy. TfL refused to comply with the request, citing regulation 12(4)(b) (manifestly unreasonable requests).
2. The Commissioner's decision is that regulation 12(4)(b) applies and TfL was entitled to refuse the request. Furthermore, TfL complied with the requirements of regulation 9 (advice and assistance).
3. The Commissioner does not require further steps.

#### Request and response

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4. On 20 August 2023, the complainant wrote to TfL and requested:

"Please provide me with copies of all correspondence between representatives/employees of TfL and the University of Westminster's active travel academy between the period of 1 January 2023 to date.

Please also provide me with details on all meetings held between representatives/employees of TfL and the University of Westminster's active travel team, including dates, times and meeting minutes."

5. On 23 August 2023, the complainant clarified:  
"My specific areas of interest are: low traffic neighbourhoods; traffic reduction schemes; and active travel initiatives."
6. On 20 September 2023 TfL responded. It applied regulation 12(4)(b) and suggested the complainant narrow the scope of their request.
7. The complainant requested an internal review on 1 October 2023.
8. TfL provided the outcome to its internal review on 20 October 2023. It upheld its original position.

## Reasons for decision

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### Regulation 12(4)(b) – manifestly unreasonable requests

9. Regulation 12(4)(b) states that a public authority can refuse to disclose information in response to any request that is manifestly unreasonable.
10. The Commissioner considers that a request can be manifestly unreasonable for two reasons: firstly, if compliance with the request would incur an unreasonable burden on the public authority both in terms of costs and the diversion of resources and secondly where the request is vexatious.
11. TfL is relying on regulation 12(4)(b) on the grounds of burden. When refusing a request on the grounds of burden, the Commissioner expects a public authority to provide a reasonable estimate as to how long compliance with the request would take. This estimate should be based on the quickest method of retrieving any relevant information. In most cases, this estimate requires the public authority to conduct a sampling exercise.
12. In its refusal notice, TfL explained:  
"We conducted an organisation-wide search of correspondence held within our email archive for all emails held by TfL containing the keywords "LTN" OR "Active travel" OR "lower traffic neighbourhood" OR "traffic reduction" sent between 1/1/23 and 20/8/23 that involved an @westminster.ac.uk email address.  
  
This is the most efficient way of ensuring that we capture all the information being requested. This search generated hits or matches totalling 3,263."
13. The complainant is specifically interested in correspondence that TfL has had, with the University of Westminster's Active Travel Academy, about



manifestly unreasonable burden on TfL. Therefore regulation 12(4)(b) is engaged.

22. Regulation 12(4)(b) is subject to the public interest. So, even though the Commissioner accepts that compliance with the request would cause an unreasonable burden on TfL, he must still consider where the balance of the public interest lies.

### **The public interest test**

23. TfL recognises the public interest in disclosure, which would promote transparency and accountability.
24. Unusually, TfL has failed to identify any specific public interest in the requested information, to either those interested in low traffic neighbourhoods ('LTN') in general, or LTNs within Westminster. Clearly this information is of interest to the complainant and would also be of interest to residents of Westminster.
25. In their internal review request, the complainant names an individual involved in the Active Travel Academy and comments on an incident involving one of these individuals. The Commissioner can't see the relevance to the information that's being requested here, so he's disregarded this argument.
26. Also in their internal review request, the complainant stated:

"The government has recently announced an investigation<sup>2</sup> into low traffic neighbourhoods and the way in which they have been installed across London boroughs."
27. The Commissioner acknowledges that LTNs are a controversial political issue and compliance with the request would shed light on how TfL engages with the Active Travel Academy. When such schemes are likely to affect a significant number of people (motorists, residents and pedestrians), transparency is important.
28. However, the Commissioner isn't convinced that the public interest in the information requested outweighs the amount of time required to comply with the request, or the strain it would place on TfL's functions.
29. As far as the Commissioner can tell, the complainant has requested all information to do with the Active Travel Academy. Despite the suggestion from the TfL, the complainant has chosen not to narrow their

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<sup>2</sup> [Rishi Sunak orders review of low-traffic neighbourhood schemes | Transport policy | The Guardian](#)

request which focuses on low traffic neighbourhoods; traffic reduction schemes; and active travel initiatives, rather than just one.

30. The Commissioner isn't disregarding the public interest in this information, which would shed light on the Westminster LTNs and LTN's in general. However, a balance must be struck and the Commissioner believes it would be possible for the complainant to submit a refined request, to the extent that such a burden wouldn't be imposed on TfL.

### **Regulation 9(1) – advice and assistance**

31. Regulation 9(1) states that a public authority has a duty to provide advice and assistance to a requestor, so far as it would be reasonable to expect the authority to do so.

32. As stated in the Commissioner's guidance<sup>3</sup>, in cases where a public authority refuses a request under regulation 12(4)(b) as manifestly unreasonable because of burden or cost, the Commissioner normally expects it to provide the requestor with reasonable advice and assistance to help them submit a less burdensome request.

33. In its refusal notice, TfL suggested to the complainant:

"You may find it more beneficial to ask for a specific document or report, rather than a very broad request which is more likely to raise concerns around the resource required to process the request, as well as incorporate information which would be likely to be of limited value."

34. With the above in mind, the Commissioner is satisfied that TfL has complied with its obligations outlined in regulation 9. However, the Commissioner notes this advice and assistance isn't as helpful as it could have been.

35. For example, TfL could have gone a step further and suggested one of the aforementioned 'document or reports' which might have satisfied the requestor.

36. Furthermore, the Commissioner notes that the Active Travel Trust was initially set up in 2019. Therefore, the timescale the complainant requested (1 January 2023 to 23 August 2023) appears to be arbitrary. TfL could have also suggested the complainant reduce the timescale of their request; though the Commissioner notes it would have to be reduced considerably and, even then, there is no guarantee that

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<sup>3</sup> [Regulation 9 – Advice and Assistance | ICO](#)

information could be disclosed in response. A smaller timescale would still keep the scope of the complainant's request, although the Commissioner acknowledges the amount of information that would fall within scope has the potential to be significantly smaller.

## Right of appeal

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37. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

38. 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.
39. 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

**Alice Gradwell**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**