



Network Rail
Freedom of Information
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[REDACTED]
[REDACTED]

19th February 2018

Dear [REDACTED]

Information request

Reference number: FOI2018/00190

Thank you for your email of 11th February 2018 in which you requested the following information:

'(a) the minutes of each meeting of the board of the company on 5, 6 and 7 October 2001; (I think there was only one board meeting, and that was on Saturday 6 October 2001, but there may have been more than one, given the extreme circumstances prevailing at the time);

(b) the papers prepared for each such meeting; and

(c) the record of, and any material produced in preparation for and/or following, the telephone call made by the chairman and chief executive of the company to the Rail Regulator on the evening of Saturday 6 October 2001, including any sound recording of that call, any transcript or digest of that call, and any material which reports or otherwise concerns the contents of that call.

insofar as it concerns:

(a) the financial condition of the company;

(b) the intention of the Secretary of State for Transport, Local Government and the Regions to apply to the High Court for a railway administration order in respect of the company; and

(c) the possibility of the company obtaining any financial or other advantage or relief by virtue of the jurisdiction of the Rail Regulator.'

I have processed your request under the terms of the Freedom of Information Act 2000 (FOIA). I can confirm that we hold part of the information you are looking for, namely the minutes of the board meeting held on 6th October 2001.

We do not hold the remainder of the information you have requested (i.e. any papers prepared for the meeting or any information in connection with a telephone call between the chairman and chief executive of Railtrack to the Rail Regulator on the evening of Saturday 6th October 2001).

I have withheld a small amount of information from the document in question (see redacted sections) under s.40(2) of the FOIA. This permits public authorities to withhold information from disclosure in circumstances where placing it in the public domain would allow individuals to be identified and where to do so would contravene any of the data protection principles.

In this instance, the information being withheld is the names and job titles of individuals (they could clearly be identified from this information) and we are of the view that disclosure would breach the first data protection principle (that data must be processed fairly and lawfully). We are committed to transparency and nowadays publish our board minutes in full, providing the personal details of those in attendance. In 2001, however, Railtrack operated as a private company and its board would not have had any expectation that the details of its discussions might be published in such a way that they could be held individually accountable – to do so now would clearly breach this expectation and would be unfair.

During the course of dealing with your request, I have learnt that at the time at which Railtrack went out of business, its archive was deposited with the National Rail Museum in York with an instruction that it be kept sealed for twenty-five years. While I know there is some time yet to run on this, you may wish to submit a Freedom of Information request to the museum as well. It may be the case that they hold more information than we do and they might conclude that it is appropriate to release the information regardless of the seal placed on it.

I hope the information and advice provided are useful to you. If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Jonathan Mantle
Freedom of Information Manager

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Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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