



Network Rail
Freedom of Information
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[REDACTED]
[REDACTED]
[REDACTED]
29 June 2018

Dear [REDACTED]

Information request
Reference number: FOI2018/00693

Thank you for your request of 4 June 2018. You requested the following information:

'For the last 6 months can you provide me the age categories of successful external candidates for signalling vacancies for the whole of the UK. I would like the information in a table format like this

18-25
26-30
31-35
36-40
41-45
46-50
51-55
56-60
61-70'

I have processed your request under the terms of the Freedom of Information Act 2000 (FOIA).

I confirm that we hold some of the requested information – please see the table below. Please note that Network Rail operates the railway network in Great Britain (England, Scotland and Wales) rather than the UK as a whole and the information which we hold therefore relates to Great Britain only. The railway network in Northern Ireland is operated by a separate company.¹

¹ Please see <http://www.translink.co.uk/Services/NI-Railways/>

Age range	Number of successful external candidates
18-25	20
26-30	17
31-35	11
36-40	8
41-45	10
46-50	7
51-55	[withheld section 40(2) FOIA]
56-60	6
61-70	[withheld section 40(2) FOIA]

When recorded information is disclosed under FOIA, it is effectively a disclosure to 'the world', including any third parties who may already have some knowledge of an individual, or any 'determined individual' who might seek to link the requested information with any information available to them by other means. The Information Commissioner's guidance says that:

*'When considering identifiability it should be assumed that you are not looking just at the means reasonably likely to be used by the ordinary man in the street, but also the means that are likely to be used by a determined person with a particular reason to want to identify individuals...'*²

We have withheld the number of successful external candidates in the age groups 51-55 and 61-70 under section 40(2) (personal information) of FOIA. There were successful external candidates in both of these groups but there are fewer than five individuals in each of these groups. I consider that this increases the likelihood that the individuals in these groups could be identified, particularly as your request is highly specific because it seeks the ages of a specified category of candidate (external candidates) and for one type of vacancy (signalling vacancies) and in a limited and recent timeframe (the past six months).

Section 40(2) of the FOIA allows us to withhold information if it constitutes the personal information of identifiable individuals, and its disclosure would contravene one or more of the data protection principles of the Data Protection Act 2018. In this instance, the information you have requested constitutes the personal information of the individuals who fall within the two age groups. The information about the number of successful candidates in age groups 51-55 and 61-70 could link specific individuals to a particular age group.

Under GDPR, article 5(1) states that personal information must be handled lawfully, fairly and in a transparent manner (the right to be informed). I consider that disclosure of information about the number of successful external candidates in the age groups 51-55 and 61-70 - where there are low numbers of individuals – would

² <https://ico.org.uk/media/for-organisations/documents/1554/determining-what-is-personal-data.pdf>

be unfair to the individuals concerned and may lead to the individuals being identified.

In determining what is fair, we also need to balance the rights of the individuals with the legitimate interests in disclosure of the information. In this instance, we are of the view that these individuals are not likely to be known in the public domain, and their age would not be known by the world at large. We recognise the legitimate interest in the age groups of successful candidates. However, we are unable to release the number of candidates in particular age groups where there are low numbers of individuals because we believe that this would be unfair to the individuals concerned and those individuals do not have a public-facing role. Accordingly, we consider that the disclosure of the information you have requested would be unfair and breach the data protection principle that personal data must be processed fairly and lawfully.

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.

Yours sincerely

Colin Bendall
Information Officer

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 Head of Freedom of Information 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

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