**Date issued:** 12 August 2022

**Freedom of Information Request**

We are writing in response to your Freedom of Information request. Your request has been considered in accordance with the requirements of the Freedom of Information Act and our Data and Information Management Policy.

**You asked for the following information:**

* a list of all reported instances of train surfers (people riding on the outsides of trains such as on the roof or hanging on to the back) on your trains.
* On the list please include the following:
	+ The date of the incident (and the time too if you also hold this).
	+ The location of the incident (either the station or location that they were seen or the stations or locations that they rode between).
	+ The class or stock of train that they surfed.
	+ Whether or not you reported them to the police for prosecution.
* Preferably i would like this information for the period of the past ten years but if that is not possible (like if you do not hold information from that long ago or it would be too expensive or time consuming to obtain) than just provide me with information as far back as you are able to go.

There have been 39 instances of train surfing since October 2018. We do not hold information prior to October 2018 when the franchise was managed by a different organisation.

* 2018 = 8
* 2019 = 12
* 2020 = 8
* 2022 = 8
* 2022 = 3

Information relating to the date, location, class or stock of train and whether or not the incident was reported to the police for prosecution, is being withheld under Section 38(1)(a) and (b) of the Freedom of Information Act (2000) on grounds of the likely endangerment to any individual’s physical health and likely endangerment to the safety of any individual.

In order to engage this exemption we must demonstrate that there is a causal link between the endangerment and disclosure of the information and that the effect cannot be trivial or insignificant. To release the information requested into the public domain may encourage people to attempt this very dangerous activity, especially if there are particular units or locations which people may assume are easier targets and the creation of ‘hotspots’. Disclosure of this information would or would be likely to cause a focus by those attempting this activity and “copycat” attempts. Accidents resulting from train surfing on the rail network cause harm to the individuals attempting the act, their family and friends, onlookers and bystanders who witness attempts or try to prevent them, the train driver involved, and other TfW staff who may endanger themselves in attempting to prevent or respond to the incident. Railway stations, railway bridges and level crossings are highly visible locations and risk becoming a known location, especially if they are released into the public domain as being easily accessible for train surfers. It is vital that locations are not identified as an easily accessible place to attempt train surfing.

Section 38 is a qualified exemption, meaning there is a duty to disclose unless the public interest in maintaining the exemption outweighs the public interest in disclosure. There is some pubic interest in disclosure of the requested information. There is a general interest in transparency. There is also a public interest in the understanding of the frequency and where such incidents occur for the purposes of academic research. However, these interests are clearly outweighed by significant harms caused by the risk of an increase in train surfing attempts. The potentially serious health and safety harms caused by train surfing are significant. In addition, such incidents cause considerable disruption to the travelling public, and disrupt the ability of TfW effectively running our network.

Yours Sincerely,

**Transport for Wales**

**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 either Transport for Wales, 3 Llys Cdwyn, Pontypridd, CF37 4TH or freedomofinformation@tfw.wales. 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 (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".