**Date issued:** 11 May 2022

**Freedom of Information Request**

We are writing in response to your Freedom of Information request. Your request was initially redirected to the Rail Delivery Group (RDG); this was intended to be helpful, as the RDG own and manage the Accessibility Email Group in question. You dissatisfaction of this initial response has been treated as a request for a review of that response, which we have now conducted; and 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:**

“I understand that there's an "Accessibility Email Group" by which members of the rail industry communicate on accessibility matters in service provision.

A FOI response at… <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2F834926%2Fresponse%2F2000133%2Fattach%2Fhtml%2F4%2FEmail%25202%2520Redacted.pdf.html&amp;data=04%7C01%7CFreedomofinformation%40tfw.wales%7Ce2d30dbc99604b62d1fa08da09466783%7C87dcd024301948269956ba76b2a04ff4%7C0%7C0%7C637832495377136144%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&amp;sdata=YPvJuIJxViMI7Tsi%2FtB8YUO6I5DG%2Ftm4czOXkSW4EMM%3D&amp;reserved=0>

…shows that the group includes Dominic Lund-Conlon of the Rail Delivery Group, also Charlotte Haynes of Govia Thameslink Railway and somebody at LNER. The contents of said response suggests that this group may include accessibility-related staff at all train operating companies and possibly station operators such as Network Rail.

Please can you advise the current membership of the group?

If you feel that S40 applies to the list of members, please can you list the positions of said people and the organisation for which they work / whom they represent?

Please can you supply all messages sent on this group over the past year?”

**Having reviewed your questions, we are able to provide the following information:**

TfW does hold some of the information requested.

 The Accessibility Email Group is a mailing list drawn up by the Rail Delivery Group (RDG) to communicate accessibility matters in service provision. The RDG owns and controls this mailing list, in that it established the list and responsible for issuing communications to those on the list. The list includes representatives (in some cases individual, in others, multiple) from numerous UK Train Operating Companies (TOCs). Three members of TfW staff – who perform roles relevant to accessibility matters - are included on this mailing list as recipients.

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TfW Members

The names and the roles of the TfW staff members included on the list are exempt from disclosure under Section 40(2) of the Freedom of Information Act (2000) - 'personal information'. This exemption covers the personal data of third parties where complying with the request would breach any of the principles in the UK GDPR. In order to apply this exemption, we must refer to UK GDPR as data protection principles are not outlined in the Freedom of Information Act.

The information requested here constitutes personal data as defined by UK GDPR. Personal data is information that relates to an individual who:

* can be identified or who are identifiable directly from the information in question; or
* who can be indirectly identified from that information in combination with other information.

UK GDPR provides a non-exhaustive list of identifiers that may constitute personal information. Notably, the ICO website states 'you don’t have to know someone’s name for them to be directly identifiable, a combination of other identifiers may be sufficient to identify the individual'. They continue: '…when considering whether information ‘relates to’ an individual, you need to take into account a range of factors, including the content of the information, the purpose for which you are processing it and the likely impact or effect of that processing on the individual… If you cannot directly identify an individual from [the] information, then you need to consider whether the individual is still identifiable. You should take into account the information you are processing together with all the means reasonably likely to be used by either you or any other person to identify that individual'.

We apply this exemption in relation to listing the job titles of our own staff who are recipients of this mailing group, as the individuals who sit in these posts are the only members of staff with these job titles in our organisation, owing to the specialised nature of this work (compared to ‘guard’, ‘customer services advisor’ or ‘cleaning operative’ for example). As such, by providing their job titles, they are easily identifiable on social networking sites, for example, Linkedin.

Other Members of the Group and Supply of all emails

TfW does not hold a record of the full membership of the group as the group is owned and managed by the RDG. TfW only holds the recipient list as it appears on emails received by our staff. It should be noted that we are not privy to where members are added/removed, have unsubscribed from the group, or may still receive circular emails from the group despite having moved to a different role within their organisation. To release the recipient email addresses of other members of the group as they appear on the emails received by TfW members would likewise breach UK GDPR for the reasons set out above.

Email content

All emails circulated to the Accessibility Email Group by the RDG attach explicit conditions relating to the subsequent use or disclosure of the information contained in those emails, and that the information contained in those emails was disseminated to others on the condition that it was for their use alone and will only be used or disclosed in accordance with the wishes of the confider. We are therefore applying Section 41 of the Freedom of Information Act which exempts release of the information requested, as the information provided to TfW members of the Accessibility Email Group was given by another person in confidence. For us to release the information requested would constitute an actionable breach of confidence. This exemption is absolute and so we do not need to apply the public interest test.

We have consulted the RDG concerning the release of these emails under the Freedom of Information Act. The RDG maintains that the information it provided to the Accessibility Email Group is confidential and was for the use of the recipient alone and can only be used or disclosed in accordance with the wishes of the confider. The RDG maintains that communications with members of the Accessibility Email Group are confidential and that it could not function as a member organisation if it did not respect the confidentiality of the discussions and decisions that they facilitate.

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](mailto: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".