**Date issued:** 13th of December 2023

**Freedom of Information Request** 266/23

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 US…**

**I would like to know what checks you do to make sure drivers are qualified to drive a train. For example, when organising the driver rota, do you check driver qualifications?**

**What measures do you have in place to ensure unqualified drivers do not drive trains?**

**In this case, is there any recorded information that explains how this driver got booked on? Could I request the CCIL for this incident.**

**RESPONSE**

All routes and train types have specific codes which our rostering system checks automatically against the traincrew profile and will only let the person be assigned to the work if they are competent.  On this occasion there was an issue which caused the traction code to not be present on the shift summary for the individual.  We are investigating to understand how this happened.

The fall back for any system issues such as the above is that all members of traincrew are clear what trains and routes they are competent on and are regularly assessed against these by their line manager.  Therefore on this occasion the Conductor immediately flagged that they weren’t competent to work that train.

Please see the attached report.

Please note: under the heading ‘System Issues?’ it states ‘No’.  The log entry is just what the Controller entered at the time based on what they knew at that point, where it was assumed it wasn’t a systems issue.  Investigation later showed a potential system issue.

In relation to Personal data this has been redacted and the following exemption applies:

**Section 40 – Personal data**

Section 17(1) of the Freedom of Information Act 2000 requires Transport for Wales, when refusing to provide information (because the information is exempt) to provide the applicant with a note which,

1. States the fact,
2. Specifies the exemption in question and
3. States (if that would not otherwise be apparent) why the exemption applies

**Section 40(2) – Personal data**

Under this exemption, personal data should not be disclosed if this would contravene the data protection principles.

Personal data is defined by the General Data Protection Regulations (GDPR) as follows -

 **“‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.**

**In this case, we have identified that the names of individuals is personal data AND the release of these individuals name WOULD contravene the first principle of the DPA.**

It is important to remember that disclosure of personal information under the FOI is to “the world at large”.

The key question when it comes to disclosing personal information, is what is the harm that will arise from disclosure.

The individuals in question would not have any expectation that their name would be released into the public domain.

The potential negative impact which could arise from disclosure outweighs any public interest.

We hope this information is of use to you.

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".