

4 June 2021

Our reference number: IC-53939-N4X5

Dear Dr Alan Black,

**Freedom of Information Act 2000 (FOIA)
Your information request to the Department for Transport..**

I write further to our correspondence of 15 March 2021.

Your request for information

You made the following request to the Department for Transport (DfT) under the FOIA:

“Please can you provide me with the name and findings of the peer-reviewed study which led to the imposition of mandatory face coverings on public transport.”

The DfT responded on 10 July 2020 and refused to comply with the request, citing section 14 (1) of the FOIA on the grounds that the request was vexatious. It then provided an internal review on 28 August and maintained its original position.

Our action

When we last wrote to you, we explained that where possible the Information Commissioner prefers complaints to be resolved informally. With this in mind, on 15 March 2021 we wrote to the DfT and asked it to revisit your request.

Having done so, on 3 June 2021 the DfT wrote to you and explained ‘We have reviewed your request, now over a year into the response to the pandemic. We can confirm that the Department for Transport does not hold the information that you requested, nor was it held at the time of your original request.’ I have attached a copy of this letter for your reference.

The ICO is satisfied that, upon revisiting this matter, DfT has ascertained that it does not hold the peer-reviewed study with which you are concerned. The ICO has noted that the DfT initially failed to handle your request in compliance with section 1 of the FOIA and we have also noted the length of time in which it has taken the authority to confirm that the information that you requested is not held.

We will record the public authority’s response to your request and it will form part of our on-going activity to monitor public authorities’ compliance with the FOIA. As such, the

Commissioner does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action.

If you are content with the steps now taken by the DfT, you do not need to take any further action and I will assume that you have withdrawn your complaint. However, if you would like the Commissioner to serve a Decision Notice (a Decision Notice in this case is likely to record that DfT initially failed to deal with your request in accordance with the FOIA but no further action is necessary), or if you remain dissatisfied with the steps taken, please let me know within 10 working days.

Thank you for bringing these concerns to the attention of the Information Commissioner. If you have any further queries then please contact me.

Yours sincerely,

Alice Gradwell
Senior Case Officer
Information Commissioner's Office

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