

Dear Mr Birkett

Our ref: FOI-2434-1314

Thank you for your email received on 7 March 2014 asking for information about dust levels across London Underground stations and trains. I apologise for the delay in providing you with this response.

Your request has been considered under the requirements of the Environmental Information Regulations and our information access policy. I can confirm that we do hold some of the information you require.

Please find attached two reports from 2013. R373201 reports on monitoring of air quality for train operators and station staff. R373202 reports on monitoring of air quality on passenger trains.

Please note that in accordance with our obligations under the Data Protection Act 1998 (DPA) some personal data has been removed, as required by Regulation 13 of the Environmental Information Regulations. This is because disclosure of this personal data would be a breach of the DPA, specifically the first principle of the DPA which requires all processing of personal data to be fair and lawful. It would not be fair to disclose this personal information when the individuals have no expectation it would be disclosed and TfL has not satisfied one of the conditions of Schedule 2 of the Data Protection Act which would make the processing 'fair'.

You have also requested copies of the ongoing research referred to in the links you provided. This research is carried out approximately every two years. The most recent is the research from 2012/2013 (R373201 and R373202). The planning of the next assessment is currently in initial discussion and the final report will be available on request once it has been completed and signed-off.

You also requested research carried out by others. We do hold reports provided by CoMET – the Community of Metros.

<http://www.comet-metros.org/Welcome.do;jsessionid=4A1155505F920C53159326761FD8B309>

These reports are received under a comprehensive confidentiality framework. There is an exception to the EIR under Regulation 12(5)(f) which states:

*a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the interests of the person who provided the information where that person—*

*(i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;*

*(ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and*

*(iii) has not consented to its disclosure*

The “person” who supplied the information in this case is Imperial College London, who were not under any obligation to supply the information. The adverse affect would arise from the reluctance of organisations to share information with CoMET in future. The Metros that participate come from a range of countries with different ownership models, political considerations and expectations about transparency. Confidentiality has been identified as being vital to the effective operation of the CoMET benchmarking group and the information is supplied under a duty of confidence with an explicit bar on disclosure.

This exception is subject to an assessment of the public interest. While we recognise that there is worldwide interest in air quality, we consider that this is already served by individuals rights under the Aarhus Convention and its implementation by its signatories, as well as local transparency custom and practice. Links to the websites of all participants in CoMET are available on its website and you are free to make information requests to those organisations directly. Transport for London cannot override its documented obligations of confidentiality without risk of being excluded from future benchmarking and knowledge sharing opportunities, both with CoMET and other parties. Disclosure in this instance would be likely to affect the willingness of other organisations to share confidential information with us and other CoMET members and the breach of confidence may be actionable through the courts. We find that the public interest favours use of the exemption.

We do hold our response to the questionnaire on which the CoMET report was based. As this is our information, it is not covered by the CoMET Confidentiality Agreement and therefore a copy of our response is attached. Copies of emails regarding the draft report are also attached.

There was also a 2007 Clearinghouse study report by Taipei (then in CoMET’s sister group Nova) and our response is attached. Again, as this is our information and is not covered by the CoMET CA.

A further two documents are held which were not shared through the CoMET group and these are attached. They are:

- University of Southampton Faculty of Medicine – discussions with its research team on air quality research carried out on air quality on European metros
- City of Stockholm/Stockholm University review of particulate material in the metro system and its health effects

If this is not the information you are looking for, or if you are unable to access it for some reason, please do not hesitate to contact me.