

██████████.

Thank you for the email and the attached letter dated the 28th which is also in your name.

I refer to my email to you on the 12th August. I said that "The TEC have again got me confused." The confusion was because of the way that the TEC / MoJ were dealing with four email threads - two (a and b) sent by us on 1st August and two (c and d) sent on 2nd August. You replied "A, B, C and D have been escalated as internal review. I can confirm we won't respond to point A in the outcome letter."

Your reply of 28th only seems to refer and deal with thread D. I remind you that you that you are supposed to be giving us replies to threads B and C. I say that your reply of the 28th 'deals' with thread D, but in fact you have largely ignored what we said in our request for a review. Your answer is largely just quoting what we asked.

a) We asked- "....If in fact you do keep any figures at all on TE3s, TE7s and TE9s for the Mersey Gateway then we hereby request those figures."

You have neither supplied any figures nor denied that there are any- apart from saying "I can confirm that we do not hold any figures at all for the amount of out of time applications which have been processed." It is not credible that the TEC acting in its judicial capacity has no idea how many TE7s it has processed.

You also say that "the TEC database allows entries to be made to an individual registration and can produce a report of the amount of registrations per month per local authority." But you do not supply any figures.

You make no mention of TE9 witness statement figures, and the figure for TE3 recovery orders is only implied.

Overall this is in effect a refusal of our request.

b) We asked- "It is not clear why you would go through the 170,000 TE3 case records, rather than through the presumably very much smaller number of TE7 and TE9 records. Could you explain that?"

You have not answered that and instead you say "Out of the 170,000 registrations there is no way to tell which ones have had an out of time application filed, other than to interrogate each one." You imply that this would have to be done manually- which you estimate would take 5,666 hours.

As you have a computerised database, it is not credible that this would have to be done manually. It is also not apparent why you refer to "out of time application filed", when our original request asked for information about TE3s and TE9s as well as TE7s. It is not clear whether your ambiguous and vague answers is a deliberate attempt to avoid giving a proper answer or whether the TEC / MoJ do not understand what is being asked for.

c) We asked As the TEC is not really dealing with a 'local authority', how can you say that the out of time applications are sent to one. Can you tell us exactly who and where the applications are sent to? "

You have not explicitly answered this but have said "The applicant is Halton Borough Council and there is a private public partnership between them and the delegated authority Mersey Gateway. This was approved under the Department For Transport's regulations. I can confirm that the TE3 is produced by the 'local authority' or Halton Borough Council / Mersey Gateway."

The TEC and the DoJ must by now know that the applicant is not "Halton Borough Council". There is no such body (local authority or otherwise) as "Mersey Gateway" which you refer to as a 'delegated authority' an expression which it seems that you have just invented. Again the TEC and MoJ should be well aware of the true situation by now.

You must also be well aware that the TE3 is not "produced by the 'local authority' or Halton Borough Council / Mersey Gateway." And there is of course no such local authority as "Halton Borough Council / Mersey Gateway."

It is because of this deception that we asked you to tell us 'exactly who and where the applications are sent to'. You have ignored that request, and I assume that is because you do not want to reveal that what we are being told by the TEC / MoJ is not so.

d) We asked "And are the TEC really saying that when the court officer makes this judicial decision, no record is made of why they have rejected the application".

It appears that your answer is "I can also confirm that the reason for the court officers decision is not recorded on the database."

Your answer is ambiguous, we had asked whether a record was kept of why an application was rejected, we had not asked about whether the reason is recorded in the database. In effect this is another refusal to answer us.

e) We asked "We have noticed that within the last week or so, the forms are now showing the applicant is "Halton Borough Council". Perhaps the TEC were not aware of that change as I understand that it is a company employed by Merseyflow who send the forms out?"

You have ignored that question.

The substantive part of your reply starts "The statutory deadline for your request was 19 July 2019 and the response was provided on 18 July 2019. The response was therefore compliant with the requirements of the FOIA."

Can I remind you that the statute actually says that a public authority should reply "promptly and in any event not later than the twentieth working day following the date of receipt".

This request has been bouncing around since the 8th May, I have appended a list of the messages. We believe the TEC involvement in the recovery process to be illegal and it is frustrating that after so long we have still not got a frank reply. Numerous people have been bullied and frightened by the activities that you authorise whilst we try to get straight answers from you.

We are concerned that the TEC / CCBC at Northampton seeks to hide what is happening. We are also concerned that the Ministry of Justice at Petty France seems to be turning a blind eye to this even though the replies that we have had from the CCBC at Northampton have been on Petty France letterheads.

We will now be raising this with the ICO. But we will also be adding this to our complaint through Resolver.

John McGoldrick  
Scrap Mersey Tolls

County Court Business Centre  
St Katharine's House  
Northampton

## List of Messages

**8th May 2019** Request from SMT to TEC for various information from TEC

**9th May 2019 09.46** Amended request from SMT to TEC for various information from TEC

**9th May 2019 12.22** Message from TEC to SMT in reply to 8th May request, asks for PCN number.

**9th May 2019 13.28** Message from SMT to TEC pointing out that 8th May message was an FoI request not a query about PCN, also pints out that 8th May request amended on 9th May.

**9th May 2019 16.34** Message from CCBC that info request should be sent to Data Access and Compliance Unit (Disclosure Team) at Petty France

**9th May 2019 17.20** Amended request from SMT for various information redirected to Disclosure Team

**13th May 2019** Ack of information request from CCBC but using letterhead of Disclosure Team

**29th May 2019** Refusal of 9th May request, sent by CCBC but using letterhead of Disclosure Team at Petty France. The refusal says that any request for a review should go to Disclosure Team

**30th May 2019** Request from SMT for a review of the refusal. Sent to both CCBC and Disclosure Team

**4th June 2019** Ack of review request from CCBC but using letterhead of Disclosure Team at Petty France

**18th June 2019** Reply to review request, confirming the refusal. Reply from CCBC but using letterhead of Disclosure Team at Petty France

**20th June 2019** Reply from SMT to Review Request reply, with "queries and fresh requests". Sent to Disclosure Team and copied to CCBC.

**21st June 2019 10.31** Reply from Disclosure Team suggesting that need to go to ICO with concerns.

**21st June 2019 13.25** Reply from SMT to Disclosure Team message saying "last email included 'fresh requests', as you seem to have ignored them, we will put them in a separate email".

**21st June 2019 14.52** Request for information (two items repeated from 20th June) from SMT to Disclosure Team.

**25th June 2019** Ack of 'information request 'of 21st June' (actually 20th June) from CCBC but using letterhead of Disclosure Team. (Note that this treats whole of 20th June message from SMT as an information request, rather than the bit that was extracted and sent on 21st June to Disclosure Team).

**18th July 2019** Reply to Review request of 20th June (though described as being of 21st June). The whole of 20th June message has been treated as if it was a fresh FoI request. Reply is from CCBC but again uses letterhead of Disclosure Team at Petty France

**2nd August 2019** Reply from SMT to "Review request" answer on 18th July. Sent to Disclosure Team and copied to CCBC.

SMT reply included "I am a bit confused as to whom I am addressing with our messages. The information request that Ms McVeigh was replying to on the 18th July seems to be the one that we sent on 20th June (not the 21st) to 'Disclosure Team at Ministry of Justice'. The reply of 18th July is headed as coming from the Disclosure Team at Petty France, London but is signed by Ms McVeigh at Northampton Business Centre. It is not clear whether we are dealing with the MoJ Disclosure Team or the County Court Business Centre at Northampton. "

**12th August 2019** (under heading of ' Certificated bailiffs') Message from SMT. Sent to CCBC and copied to Disclosure Team. The message dealt with this and three other threads. It pointed out the confusion in replies to SMT and ended "I would hope that further replies will not be confined to answers from the County Court Business Centre. Our emails deal with very serious matters concerning the TEC, matters which as part of our complaint through Resolver were escalated to HMCTS (Customer Investigation) on 7th June - albeit that they have not replied."

**15th August 2019** (under heading of ' Certificated bailiffs') CCBC reply (which they copied to Disclosure Team) to 12th August message from SMT. Said that the four threads "have been escalated as internal review". Also said "The County Court Business Centre (CCBC) are the department responsible for responding to Traffic Information (TEC) FOI requests."

**28th August 2019** Reply to SMT message of 2nd August which had been taken as Internal review request. Reply is from CCBC but again uses letterhead of Disclosure Team at Petty France

#### Notes

'CCBC' is County Court Business Centre at Northampton

'Disclosure Team' is part of Ministry of Justice at Petty France, London

'ICO' is Information Commissioner's Office

'SMT' is Scarp Mersey Tolls

'TEC' is Traffic Enforcement Centre which is part of CCBC