

Lothian Buses plc
Annandale Street
Edinburgh
EH7 4AZ
tel +44 (0)131 554 4494
fax +44 (0)131 554 3942
web www.lothianbuses.com

Registered in Scotland No. 96849
Vat No. 790 0906 27

request-143179-f8ec92c6@whatdotheyknow.com

25 January 2013

Dear Mr Duff,

Freedom Of Information (Scotland) Act – Request For Information

I refer to your email of 22 December in which you make a Freedom Of Information Request in the following terms:

“Please can you detail the number of bus drivers dismissed in the last five years for gross misconduct.”

This letter constitutes a formal refusal under the Freedom Of Information (Scotland) Act to provide the information which you have requested.

In accordance with Section 16 of the Act I confirm that -

- a) the information you have requested is held by Lothian Buses
- b) in respect of that information Lothian Buses claims an exemption
- c) the particular exemption in this case is set out in Section 12 (1) of the Act
- d) The Freedom Of Information (Scotland) Act 2002 provides exemptions for various classes of information - in this case, where there is an excessive cost of compliance in providing it. For information, here is the text of Section 12 (1)

12 Excessive cost of compliance

(1) Section 1(1) does not oblige a Scottish public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed such amount as may be prescribed in regulations made by the Scottish Ministers; and different amounts may be so prescribed in relation to different cases.

and, from the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004;

5 Excessive cost - prescribed amount

The amount prescribed for the purposes of section 12(1) of the Act (excessive cost of compliance) is £600.

The reason we cannot provide the requested information without incurring an excessive cost of compliance is straightforward. We have an electronic database which logs all joining and leaving drivers, and dates back to back to 2000. From that database, we can see that 493 drivers have left the Company in the past 5 years (as per your request).

What we cannot see however is the reason for leaving – this database does not capture whether the driver left because of retirement, resignation, dismissal or any other reason. Detailed disciplinary records (and resultant actions) are maintained only within the physical files kept for each individual driver. Depending on how recently the driver has left the Company, these physical files may be located locally within the garage where that driver was based, or centrally at our Head Office.

If we were to answer your request, an appropriate member of staff would be required to first locate each of the above mentioned 493 files, before examining the contents of each in order to identify which drivers were dismissed for reasons of gross misconduct. I'm afraid that, even if we assumed that it might take as little as ten minutes to locate, identify and classify for each individual file, the overall cost to the Company would far exceed the compliance thresholds provided for within the Act.

If you are not satisfied with how we have responded to your request for information and/or the information that we have provided, you can request that Lothian Buses carry out a review. This will take a maximum of 20 working days. If you would like to do this, please contact Norman Strachan, Finance Director, at the address below or email: nstrachan@lothianbuses.co.uk. Please note that any request for review must be made in writing or other form having permanency, include a name and address for correspondence and be made within 40 working days of 25 January 2013.

If after this review you are still dissatisfied, you have the right of appeal to the Scottish Information Commissioner. The Scottish Information Commission can be contacted as follows:

Enquiries line – telephone: 01334 464 610
Enquiries line – email: enquiries@itspublicknowledge.info
Address: Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS

Further information on freedom of information can be obtained from the Scottish Information Commission's website: www.itspublicknowledge.info.

Sincerely,

Stevie Chambers
Commercial Projects Officer