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26 June 2015

Dear Mr Smith

Freedom Of Information (Scotland) Act – Request For Information

I refer to your email of 25 May 2015 in which you make a Freedom Of Information Request in the following terms:

Sunday 31st May 2015 is 1 year since Edinburgh Trams entered into service, therefore I would like to make a Freedom of Information request for the following between 31st May 2014 to and including 31st May 2015.

Q1: How many passengers have Edinburgh Trams carried in it's first year of operation?

In the first year of operation, Edinburgh Trams carried 4.92 million passengers.

Q2: How many passengers have paid for their ticket via mobile app or machine at the platform?

Q3: How many passengers have paid by credit/debit card or cash?

With regard to questions 2 & 3, in accordance with Section 17 of the Act (Notice that information is not held), I write to advise that the information you have requested is not held by Edinburgh Trams.

There will be no reconciliation of this information on the first 12 months of operation. The first calendar year of trading figures will be available in 2016.

Further to question 3, while the total number of transactions made by credit / debit cards may be available, it is not possible to establish the detail of these transactions

Q4: How many of those paying passengers have paid the extra to go to or from the Airport?

Having considered your request and the provisions of the Act, Lothian Buses is refusing your request for the information requested in question 4 and question 7.

We consider such information to be exempt under the terms of Section 33 Commercial interests and the economy which says at sub-section (1) (b) - "Information is exempt information if -

(b) its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority)."

The starting point is that there is a public interest, yours, in providing the information you have requested. Against that must be set the fact that Edinburgh Trams is part of Transport for Edinburgh along with Lothian Buses which is a publicly-owned business operating commercially in a competitive and deregulated market. Lothian Buses is the only publicly owned business in Scotland which operates in this competitive market and, as such, there is a wider public interest in the continued success of the group.

The Group's continued success and, as a consequence, its ability to generate income in the form of dividend payments to its shareholders and to sustain a high level of investment in its vehicles and other infrastructure is critically dependent on its competitive position not being undermined. Placing such commercially sensitive information in the public domain would most definitely prejudice the ability of Lothian Buses to compete effectively with our competitors, none of whom is subject to the provisions of the Act. Put shortly, there cannot be a competitive 'level playing field' if Lothian Buses are obliged to provide this detailed commercially sensitive revenue related information while there is no mechanism whereby equivalent information in respect of other operators in Scotland can be made available to Lothian Buses.

On balance, we believe that the public interest in safeguarding the ability of Edinburgh Trams and Lothian Buses to compete effectively with privately owned competitors outweighs the public interest in providing the sensitive information you have requested.

Q5: How many passengers have been concession travellers?

10.9% of passenger journeys were taken using Concessionary Cards.

Q6: How many of those concession travellers have gone to or from the Airport?

With regard to questions 2 & 3, in accordance with Section 17 of the Act (Notice that information is not held), I write to advise that the information you have requested is not held by Edinburgh Trams.

Individual stop information of where passengers alight using Edinburgh Trams is not recorded.

Q7: How many passengers have used a ridacard/day ticket?

Please see question 4.

Q8: How many passengers have been charged the £10 fare for not buying/validating at the platform?

7117 standard fares were issued during this period.

Q9: How many trams have been delayed due to inconsiderate parking?

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. The company does not keep a record of this other than on individual drivers files.

If we were to attempt to answer your request, an appropriate member of staff would be required to open and review each log (which amounts to over 1500) in order to count the number which meet your requested criteria. The overall cost to the Company of doing so would far exceed the compliance thresholds provided for within the Act.

Q10: Please provide details of all incidents involving trams.

Please see attached spreadsheet detailing incidents.

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 Edinburgh Trams 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 26 June 2015.

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.

Yours sincerely,

Clare Bridson
FOI
Edinburgh Trams