

East Coast Main Line Company Limited

East Coast House, 25 Skeldergate

York YO1 6DH

www.eastcoast.co.uk

I Madder

request-97109-051df255@whatdotheyknow.com

3 February 2012

Dear I. Madder

FREEDOM OF INFORMATION REQUEST

Further to my letter of 16 January 2012, I am writing regarding the two documents that were not originally disclosed – appendices XXII and XXIII.

East Coast has received confirmation from the publisher of the documents, Cubic Transportation Systems, that these appendices cannot be disclosed. This is because the information within these documents is exempt from disclosure under section 43(2) of FOIA. This exemption applies because there is a risk that disclosure of the withheld information could be used by someone to cause vandalism to Cubic Transportation Systems' automatic ticket gates (ATGs), thereby preventing the operation of the ATGs which will harm the legitimate commercial interests of the company.

The commercial interests are the ability of Cubic Transportation Systems to provide commercial services in a competitive environment and to receive revenue from the provision of those services. These interests would be likely to be affected by disclosure of the requested information through reducing the integrity of their product which will cause damage to their reputation.

The prejudice that would be likely is that the ability of Cubic Transportation Systems to maximise and protect the revenue which it should receive for the provision of services will be compromised if it discloses information which could be misused by someone seeking to compromise the effectiveness of their ATGs. This would be likely to lead to reduced revenue, which would have a detrimental effect on their commercial operation. There is a significant risk that such prejudice would occur.

East Coast has applied the public interest test. It has recognised that there is a public interest in general in public authorities being as transparent as possible. However, it has also considered the need for public authorities to safeguard the interests of suppliers by ensuring that they can maintain effective systems to protect their revenue. In this situation, it has identified that disclosure of the

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withheld information would hinder the ability of Cubic Transportation Systems to maintain effective systems because of the potential for misuse of the information. The public interest test in maintaining the exemption outweighs the public interest in disclosing the information. Therefore, taking account of all the circumstances, the public interest is served by applying the exemption in section 43(2) of the Freedom of Information Act 2000 to the withheld information.

I hope this is helpful to you. If you are not satisfied with the response, you have the right to ask for a review. In the first instance you should contact me again to request this.

If you choose to exercise that right, and are not satisfied with the outcome of the review, you have the right to complain to the information Commissioner by contacting:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45
Website www.ico.gov.uk

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Matt Short', with a stylized, sweeping flourish at the end.

Matt Short
For and on behalf of East Coast Main Line Company Limited