

request-528791-96b22061@whatdotheyknow.com

07 November 2018

Dear Mr Reynolds

Freedom of Information (Scotland) Act – Request for Information

I refer to your email of 27 October 2018 in which you make a Freedom of Information Request in the following terms:

I would be obliged if you could provide copies of all the current Lothian Buses Destination, via (passing points) and number Blind Lists.

Please find attached our current Destination Blind information with the information we believe to be commercially sensitive redacted.

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 Lothian is a publicly-owned business which operates commercially in a competitive and deregulated market. Lothian 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 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.

On balance, we believe that the public interest in safeguarding the ability of Lothian to compete effectively with privately owned competitors

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

Yours sincerely,

Clare Bridson
FOI