

## Response to Request for Information

**Reference:** FOI 962  
**Date:** 26 May 2011  
**Type of request** Environmental Information Request

### ***Guided Busway - Quality and Access agreements***

Please could I have the Combined Quality and Access Agreements for the Guided Busway between the Council and Stagecoach and between the Council and Whippet?

The Quality and Access Agreements have not yet been finalized and are still in the course of completion. We expect them to be finalized in approximately eight weeks from now (26 May 2011). As the documents are unfinished, they are exempt from release under 12(4)(d) of the Environmental Information Regulations.

12.—(1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if —

- (a) an exception to disclosure applies under paragraphs (4) or (5); and
- (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

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(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

Parts of the Agreements also contain confidential commercial information that would be exempt from disclosure under Regulation 12(5)(e)

12 (5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;

While there is a public interest in furthering the understanding of how the Guided Busway will operate, this has to be balanced with the public interest in the Council not disclosing confidential commercial information and not prejudicing ongoing discussions currently being undertaken in good faith.

The agreements contain information about charges and commitments by the operators which would be considered commercial information by the operators and it is not in the public interest to release such information where it would prejudice their commercial interests. It is not in the public interest to release draft copies of agreements while we are still engaged in talks with the

third parties over the terms of the agreements. The fact that the agreements are subject to change before being finalized also reduces the public interest in their release as they will not necessarily reflect the final agreements and will therefore be of limited benefit in furthering understanding.

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