

Mr Alan Rudland

Date 6 November 2019

Via E-mail: request-602687-1a3557f9@whatdotheyknow.com

Our ref: EDIR: 25056

Your ref:

Dear Mr Rudland

Freedom of Information (Scotland) Act 2002 – Request for Review

I write regarding your email dated 9 October 2019 in which you explained that you were dissatisfied that you had not received a response to your request for information within the statutory time limit. I have carried out a review in accordance with the provisions of the Freedom of Information (Scotland) Act 2002 ("FOISA")

Firstly, please accept my apologies for the Council's failure to respond to you within the statutory timescales. We regret any inconvenience and dissatisfaction this caused.

In your request for information, you asked for:

- 1) Details of the revenue generated from the film company for the use of locations in Edinburgh for their commercial enterprise.
- 2) A copy of any analysis carried out in connection with any potential consequential losses as a result of road closures for the Fast & Furious filming in Edinburgh.

Your request has been processed and considered under the Freedom of Information (Scotland) Act 2002 and it is not possible to provide you with the information you have requested on this occasion.

Details of income and payments specifically in relation to this project shall not be provided. Under the terms of the legislation, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, the Council is claiming the following exemptions to part of the information that you have requested, and which will not be released:

Section 30: Prejudice to effective conduct of public affairs
Section 33: Commercial interests and the economy

Section 30(c) states that information is exempt if its disclosure under this Act would, or be likely to, otherwise prejudice substantially, the effective conduct of public affairs.

The information we hold pertaining to the production of the film is covered by non-disclosure agreements and will not be released into the public domain. The Council cannot disclose

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information about a production without prejudicing the production's ability to carry out its business, thereby prejudicing the success of this production and any future productions. Releasing this information may deter other production companies from coming to the area to film and jeopardise the reputation of the Council or any third parties we are working with.

The Council and Film Edinburgh are committed to facilitating services to the film and television industries. The potential release of information regarding the production of films would jeopardise a production company's ability to communicate fully with the Council and would therefore constrain the city's ability to attract and facilitate filming in the city.

I have applied the public interest test to your request and I consider that the public interest in disclosing the information requested is outweighed by the public interest in enabling filming to take place in the Edinburgh city region. The economic benefit to the city and its inhabitants derived from film production and visitors to the city attracted by successful film productions, would be affected by the disclosure of information between the production company and the Council because this may deter companies from filming in Edinburgh.

Section 33(1)(b) states that information is exempt if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person including a Scottish public authority.

The information you have requested contains sensitive commercial information. If information relating to this is released, it would prejudice the commercial interests of both the provider and the Council. The Council cannot disclose information about a production without prejudicing the production's ability to carry out its business and it could also inhibit the production's marketing strategy, thereby prejudicing the success of this production and any future productions.

I have applied the public interest test to your request and, although there is a clear public interest in the Council promoting transparency and accountability through the disclosure of information relating to the way in which it does business, in this instance I consider the public interest is best served by withholding the information. Disclosure of commercially sensitive information would cause substantial harm to both the Council seeking to obtain the best value for the citizens of Edinburgh and the provider.

Please note that this letter constitutes a formal refusal notice under section 16 of the Freedom of Information (Scotland) Act 2002.

In general terms however, the Production Guild of Great Britain estimates that high-end feature films with a budget of over £100M spend on average £42,000/day. Filmmakers pay the published rates for all services employed in the city. These can be found on the Council's website at:

http://www.edinburgh.gov.uk/downloads/file/1261/road_services_schedule_of_charges

If you are unhappy with this review outcome or the way we handled your request and review, you have a right of appeal to the Scottish Information Commissioner. You must submit your complaint to the Commissioner within 6 months of receiving this review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Fax: 01334 464611

Website www.itspublicknowledge.info/Appeal
E-mail: enquiries@itspublicknowledge.info

Please note that, once the Commissioner provides you with a decision on any application made to him, you have the right to lodge an appeal against the decision on a point of law to the Court of Session.

Yours sincerely,

Fiona Smyth
Information Compliance Officer
Information Governance Unit