

Dear

## **Request for information - ATISN 17034**

I wrote to you on 27 January regarding your request for information.

### **Your request**

You asked for the following information:

- The data on free bus travel at certain periods.

Lee Waters, the Deputy Minister for Climate Change, referred to this data in the Senedd on 6 December 2022. According to the published transcript, he said: *I've been very encouraged by the work in Newport, in Swansea and in Cardiff on offering free bus travel at certain periods, and it's worked. We now have data to show that it is successful.*

### **Our Response**

I apologise for the delay in responding to you.

I can confirm we hold the information you have requested. I have concluded, however, that the information we hold relating to Cardiff Council is exempt from disclosure under Section 21 of the Freedom of Information Act 2000, information otherwise available. The updated information following more detailed consideration of the results of the Cardiff £1 Bus Fare Promotion has been published in paragraph 9 on pages 2 and 3 of the following Cardiff Council Cabinet report of 23<sup>rd</sup> June 2022:

<https://cardiff.moderngov.co.uk/documents/s61069/Cabinet%2023%20June%202022%20Bus%20consultation.pdf?LLL=0>

The free travel scheme in Newport was funded by the Welsh Government and ran from 1<sup>st</sup> March 2022 – 31<sup>st</sup> March 2022. Some of this information is being released to you below, however, I have concluded that some of the information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000, commercial interests. Full reasoning for applying this exemption is appended at Annex A.

Newport Council did not share data from all operators participating in the trial, but from those operators who provided data. The initiative:

- Increased total patronage on every day, Monday to Saturday (Sunday has limited scheduled network and;
- Generated a like-for-like increase of 8.2% increase on previous month.

### **Next steps**

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response.

Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

**Section 43 (2) – Commercial Interests**

The information caught by this exemption relates to some of the information/data sent to us from Newport Council. Decisions relating to non-disclosure of this information have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This exemption states that:

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor.

*Public Interest For Release*

I recognise the general public interest in openness and transparency and releasing the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

*Public Interest Against Release*

We have released to you half of the information we hold regarding the data shared to us by Newport Council, as this information shows scheme trends/outcomes at a given point in time; however, releasing the other information will enable reverse engineering of the patronage levels for a specific commercial entity. This would enable potential competitors to obtain a robust estimate of the bus companies passenger revenue, that could be used to gain commercial advantage (e.g. if considering registering bus services in the area) and is therefore considered commercially sensitive. This could cause harm to Newport Bus and therefore the exemptions under section 43 of the Act apply.

I believe the public interest is satisfied by the amount of information being disclosed in response to this request for information.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of information, or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information.

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding the information relating to part of the information/data sent to the Welsh Government by Newport Council.