**Date issued:**

**Freedom of Information Request** 05/23

We are writing in response to your Freedom of Information request. Your request has been considered in accordance with the requirements of the Freedom of Information Act and our Data and Information Management Policy.

**You asked for the following information:**

**May I request a copy of any CPAY / PAYG agreement(s) put in place with any TOC(s) for the new PAYG scheme in the Bristol area, to be valid on GWR, Cross Country and Transport for Wales services, please?**

**Further detail on the relevant scheme is accessible here:**[**https://www.gwr.com/your-tickets/smart-tickets/payg**](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Furldefense.com%2Fv3%2F__https%3A%2Fwww.gwr.com%2Fyour-tickets%2Fsmart-tickets%2Fpayg__%3B!!KArG4XNCWg!l1RUQkkT621C4Ao5Z_YXOKnqNIp_6e6eYDYjP_ywTGZ42FmFLG94FxjRuomcESZ-lzRxjFw1pWv9CaKJEi8LodS3EbQm-Jaa-ghilw%24&data=05%7C01%7Cfreedomofinformation%40tfw.wales%7C78c9d11935d74ef635e408daf228552d%7C87dcd024301948269956ba76b2a04ff4%7C0%7C0%7C638088552294771355%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=yXV0FcCNZTqE2094Glumu8KcHBSa1KVrXZzq242vOpo%3D&reserved=0)

**RESPONSE**

Please see the attached document.

We have redacted part of the document by virtue of the following exemption –

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

Section 43 is a qualified class-based exemption which requires the authority to consider the public interest in disclosure.

**Evidence of Harm**

Under the Freedom of Information Act (FOIA) 2000, the commercial interest exemption (S.43) states that information is exempt information if it constitutes a trade secret or if its disclosure under the FOIA would, or would be likely to, prejudice the commercial interests of any person.

A disclosure in response to a Freedom of Information Request is not a disclosure to the individual applicant but a release into the public domain. Publicly disclosing these details would be likely to prejudice the commercial interests of private companies.

**Factors Favouring Disclosure**

Disclosing the redacted information would promote openness and transparency in relation to commercial duties and may contribute to public debate.

**Factors Favouring Non-Disclosure**

The release of the detailed information and percentages shown in the table provide commercial details on the specific apportionment of industry revenue, and therefore the company’s profit margins against fare receipts. This information is Commercially Confidential. It could therefore prejudice the commercial interests of companies both public (TFW) and private.

**Balancing Test**

Before deciding which of these arguments is most compelling, a balancing test needs to be completed. In this case, the key factor favouring non-disclosure is the interest of third parties and this needs to be weighed against the key factor favouring disclosure which concerns transparency.

While it is accepted that accountability and demonstrating transparency in the use of public funds is a strong factor favouring disclosure. I have determined that greater weight must be given to protecting the commercial interests of third parties in this instance.

On balance, at this time, the public interest test does not favour disclosure.

In accordance with the Freedom of Information Act 2000, this letter acts as a refusal notice for this part of your request.

We hope this information is of use to you.

Yours sincerely,

**Transport for Wales**

**Appeal Rights**

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at either Transport for Wales, 3 Llys Cdwyn, Pontypridd, CF37 4TH or freedomofinformation@tfw.wales. Your request must be submitted within 40 working days of receipt of this letter. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".