



Date issued: 28 January 2020

Consultancy Services

I am writing in response to your Freedom of Information request which has been considered in accordance with the requirements of the Freedom of Information Act and our information access policy. I can confirm that we hold some of the information you require. You asked for:

- **details of all consultants employed by TfW since it was formed. Those details should include name, company, first four digits of home postcode, length of contract, daily rate, expenses paid and total overall cost. It should also include a brief description of the consultancy work being carried out and where they were based.**

However, the information requested on 'name' and 'first four digits of postcode' is exempt where it applies to individuals. Section 40 of Freedom of Information Act (2000) provides an exemption from the right to information if it is personal data as defined in the Data Protection Act (2018). Personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

In our view, a combination of the name of an individual or the company name (except where they are trading by that name) and the first four digits of their postcode could risk indirectly identifying an individual. It should also be stated that we do not keep records of the names of individual consultants, rather the company with whom Transport for Wales is contracted. We have defined consultancy as time limited, project based work.

Information on expenses paid is not included. In most cases this is incorporated into the invoices. We did previously pay expenses through an expense submission form for some external consultants. However, to provide this information would require manual analysis of our accounts payable data and identify payments to consultants. This would take us over the limit of £600 to process the request, based on FCO guidance based on a staff time rate of £25 per person per hour, regardless of who does the work.

We have also determined that day rate information is also exempt from disclosure because it is covered by exemption section 43(2) of the FOI Act. This exempts 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). Information relating to the day rates for consultants used by Transport for Wales is considered exempt under section 43(2) of the Act.



Section 43(2) is a qualified exemption and we are required to conduct a public interest test when applying any qualified exemption. This means that after it has been decided that the exemption is engaged, the public interest in releasing the information must be considered. If the public interest in disclosing the information outweighs the public interest in withholding it then the exemption does not apply and must be released. In the FOI Act there is a presumption that information should be released unless there are compelling reasons to withhold it.

Considerations in favour of the release of the information included Transport for Wales' commitment to openness and transparency in its commercial activities, to allow public scrutiny and to demonstrate that public funds are being used in an efficient and effective way. Furthermore, private sector companies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Considerations against disclosure included the recognition releasing this information would likely prejudice the commercial interests of the consultants in the enclosed information. Disclosing day rates could influence suppliers tendered rates and not permit a competitive pricing environment by suppliers undercutting prices or adjusting their pricing to match the rates. This affects the commercial interests of all the consultants in the enclosed information.

As a qualified exemption, we have considered whether in all the circumstances of the case the public interest in withholding the information outweighs the public interest in disclosing the information and we are satisfied that it does; accordingly our decision is to withhold the information.

The information we are providing is in the two spreadsheets embedded below. The data is in two parts because it has been drawn from the finance systems we have had in place since our inception: Sage (temporary) and Dynamics (current).



Dynamics service
supplier turnover repr



Sage Transaction

listing - Consultancy c

The following should be noted:

On the Dynamics spreadsheet;

- There is a column named below which states that the company base postcode was taken from Dynamics. To note this may be their Finance office base.



- There is a column named below defining which TfW office they were based. This has been stated where relevant. N/A means that they were based at their own office.



- There are some cells where we do not hold information. This is highlighted in yellow.

On the Sage spreadsheet;

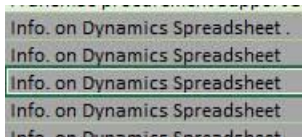
- In the column named below, most postcodes have been taken from Companies House



- There is a column named below defining which TfW office they were based. This has been stated where relevant. N/A means that they were based at their own office.



- There are some supplier lines which state that the information is on the Dynamics spreadsheet.



- There are limited cells where we do not hold the information. This is highlighted in yellow.

If you have any queries, please do not hesitate to contact Transport for Wales.

Yours sincerely

Transport for Wales