

[REDACTED]

11 February 2015

Re: FOI request 2015-0001

Dear [REDACTED]

I refer to the email request which you made under the Freedom of Information Acts 2014 for records held by this Body, received in the Authority on 6th January last requesting:

'All correspondence between your office and the following bodies on the issue of fare increases:

- i) Irish Rail*
- ii) Dublin Bus*
- iii) Bus Eireann*
- iv) Veolia/Luas*

This includes all emails, letters, faxes and memos between the NTA and the said bodies.

The timeframe for this request is -1/01/14-today's date (6 January 2015).'

I have made a final decision to part grant your request today, 11 February 2015. If you have any queries regarding this correspondence you can contact me by telephone at 01-8798393.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. concerning records to which access is granted, an explanation and a statement of the arrangements for this access and its form;
3. concerning records to which access is denied, an explanation of the relevant findings; and
4. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these four parts in turn.

1. Schedule of records

Two schedules are attached at the end of this letter. It shows the documents that the Authority considers relevant to your request. It indicates whether the document is released in full, released with deletions or not released. The schedules refer to the sections of the FOI Act which apply to prevent release.

As indicated in the letter to you on 8th January from Sara Morris of the Authority a large number of records relevant to your request were compiled for a similar FOI request recently and these documents are available on the Authorities website at <https://www.nationaltransport.ie/foi/> under FOI 2014-0017 as advised earlier.

2. Access Arrangements

You have sought access to the records in hard copy or electronic. Accordingly, the records described as released in full or released with deletion are now forwarded to you by email.

3. Findings, particulars and reasons for decisions to deny access.

In this section I reproduce the items of your request and then describe what records are being released and any which aren't and the reasons for same. To help to understand how the records have been identified, I refer you to the schedules attached. Each schedule has been allocated a letter (Schedules A to D) and each record on the schedule then has an alpha-numeric identifier (which is copied onto the top right corner of each record), e.g. Schedule A refers to records related to Luas fares increases correspondence while Schedule B refers to Bus Éireann fares increases correspondence. The records are recorded as A1, A2, A3, etc. with attachments as A.1.1., A1.2, etc. as the case may be. Where there has been a chain of e-mails rather than reproduce each individual e-mail I have released the last in the exchange (though some e-mails have been responded to by different personnel so there may be some replication of material in the records released).

Abbreviations have been used in places as follows: BÉ means Bus Éireann and NTA means National Transport Authority.

The search for relevant documents included a search of the physical files held by the Authority, the electronic files held by the Authority, and a request issued to the relevant personnel of the Authority and interviews with same.

Your request is as follows:

'All correspondence between your office and the following bodies on the issue of fare increases:

- v) *Irish Rail*
- vi) *Dublin Bus*
- vii) *Bus Eireann*

viii) *Veolia/Luas*

This includes all emails, letters, faxes and memos between the NTA and the said bodies.

The timeframe for this request is -1/01/14-today's date (6 January 2015).'

Records of correspondence between the Authority and the operators, broken down by date, are listed in the Schedules as follows: Schedule A relates to Luas correspondence during 2014 and up to 6 January 2015, Schedule B relates to Bus Éireann correspondence during 2014 to 6 January 2015, Schedule C relates to Dublin Bus correspondence during 2014 and up to 6 January 2015 and Schedule D relates to Irish Rail correspondence during 2014 to 6 January 2015.

Sections 30(1)(b) of the FOI Act (see extracts attached below) allow for the refusal of the release of a record if *"..have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations"*

Sections 32(1)(a)(i), (ii) & (iii) of the FOI Act (see extracts attached below) allow for the refusal of the release of a record if *"..prejudice or impair.. the prevention, detection or investigation of offences,.... the enforcement of, compliance with or administration of any law..... lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property"*

Sections 35(1)(a) and (b) of the FOI Act (see extracts attached below) allow for the refusal of the release of a record if (a) *"... the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential.... its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body,"* or (b) *"...disclosure of the information concerned would constitute a breach of a duty of confidence".*

Sections 36(1)(b) and (c) of the FOI Act (see extracts attached below) allow for the refusal of the release of a record if (b) *"... could prejudice the competitive position of that person in the conduct of his or her profession or business"* or (c) *"....could prejudice the conduct or outcome of contractual or other negotiations.."*

Sections 37(1) of the FOI Act (see extracts attached below) allow for the refusal of the release of a record if *"..access to the record concerned would involve the disclosure of personal information.."*

Following consideration the contents of all of the records I have decided, on the above grounds,

- to release a considerable number of records in full,
- to only partially release some records for example A1 and A2.1 (the relevant information having been redacted) and
- there are also some records I have not copied as they are already publically available (I have listed website addresses for where these are available, e.g. records A7, B2.1).

4. Rights of appeal

You may appeal this decision. Please note that a fee applies for an appeal. The level of this has been set at €30 (€10 for medical card holders). In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, at the address below enclosing the

appropriate fee. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the National Transport Authority.

Freedom of Information Unit

National Transport Authority

Dún Scéine

Iveagh Court

Harcourt Lane

Dublin 2

You should make your appeal within 4 weeks (20 working days) from the date of this notification; however, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Authority.

Yours sincerely,



Charlie Brophy
Economist

Relevant sections from the Freedom of Information Act 2014

30. (1) A head may refuse to grant an FOI request if access to the record concerned could, in

the opinion of the head, reasonably be expected to—

(a) prejudice the effectiveness of tests, examinations, investigations, inquiries or audits conducted by or on behalf of an FOI body or the procedures or methods employed for the conduct thereof,

(b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff), or

(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

(2) *Subsection (1)* shall not apply in relation to a case in which in the opinion of the head concerned, the public interest would, on balance, be better served by granting than by refusing to grant the FOI request concerned.

32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair—

(i) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,

(ii) the enforcement of, compliance with or administration of any law,

(iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,

35. (1) Subject to this section, a head shall refuse to grant an FOI request if—

(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or

(b) disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in *column (3)* in *Part 1* or *2* of *Schedule 3* of an enactment specified in that Schedule) or otherwise by law.

36. (1) Subject to *subsection (2)*, a head shall refuse to grant an FOI request if the record concerned contains—

(a) trade secrets of a person other than the requester concerned,

(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or

gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or
(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

37. (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

Reference: RPA/Luas/Veolia correspondence records 2014 & to 6 Jan 2015						Schedule A
Rec. No.:	Brief Description of Record:	Date:	No. of Pages:	Decision:	Basis of Refusal (if any):	
A1	exchange of emails between RPA & NTA re Luas fare adjustments	last dated 07/10/2014	5	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A2	Emails from RPA to NTA	last dated 16/07/2014	2	Released		
A2.1	Attachment to A2- Fares application	Undated	9	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A2.2	Attachment to A2- Fares application Multi year summary	Undated	1	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A2.3	Attachment to A2- Fares application detailed spreadsheet application	15/07/2014	8	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A3	Email from RPA to NTA re multi-operator tickets fares split	22/08/2014	1	Released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A3.1	Attachment to A3	Undated	1	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A4	exchange of emails between RPA & NTA re Luas fare adjustments	last dated 27/08/2014	2	partially released	One or more of the following sections from FOI ACT 2014 --- 30, 32(1)(a)(i)(ii) & (iii), 35(1)(a), 35(1)(b), 36(1)(b) and 36(1)(c)	
A5	Letter from RPA to NTA	28/11/2014	1	Released		
A6	Letter from NTA to RPA	04/12/2014	2	Released		
A7	Determination No. 10 - 2014	Oct -14	25	not copied	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
A8	Determination No. 6 - 2015	Oct -14	14	not copied	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	

Reference: BE correspondence records 1 Jan 2014 to 6 Jan 2015						Schedule B
Rec. No.:	Brief Description of Record:	Date:	No. of Pages:	Decision:	Basis of Refusal (if any):	
B1	exchange of e-mails between NTA and BE re Special fares	last dated 27/11/2014	1	released		
B1.1	Attachment to A21 - fare table	undated	2	released		
B2	exchange of e-mails between NTA and BE re Cork Green Zone child monthly fare	last dated 15/12/2014	3	released		
B2.1	Determination No. 11 - 2014	Nov -14	6	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
B3	Previously released correspondence relevant to this request	2014	90	not included	available on NTA website at: https://www.nationaltransport.ie/foi/foi/2014-0017 - Attachment 1	
B4	Previously released correspondence relevant to this request	2014	94	not included	available on NTA website at: https://www.nationaltransport.ie/foi/foi/2014-0017 - Attachment 2	
B5	Previously released correspondence relevant to this request	2014	54	not included	available on NTA website at: https://www.nationaltransport.ie/foi/foi/2014-0017 - Attachment 3	
B6	Determination order for introduction of BE leap card in Cork red zone	Feb 14	8	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
B7	Determination order for introduction of BE leap card in Cork green zone	March 14	11	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
B8	student Leap fares	May 14	13	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
B9	Determination order no 5 - 2014 - monthly and annual fares for 2015	Oct 14	45	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
B10	Determination order no 8 - 2014 - BE cash, leap and pre-paid fares for 2015	Oct 14	41	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	

Reference: Dublin Bus correspondence records 1 Jan 2014 to 6 Jan 2015						Schedule C
Rec. No.:	Brief Description of Record:	Date:	No. of Pages:	Decision:	Basis of Refusal (if any):	
C1	Previously released correspondence relevant to this request	2014	46	not included	available on NTA website at: https://www.nationaltransport.ie/foi/foi/2014-0017 - Attachment 7	
C2	Fare determination no. 5 - 2014 from NTA to BAC	Oct 14	45	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
C3	Fare determination no. 7 - 2014 from NTA to BAC	Oct 14	27	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	

Reference: Irish Rail correspondence records 1 Jan 2014 to 6 Jan 2015						Schedule D
Rec. No.:	Brief Description of Record:	Date:	No. of Pages:	Decision:	Basis of Refusal (if any):	
D1	Previously released correspondence relevant to this request	2014	78	not included	available on NTA website at: https://www.nationaltransport.ie/foi/foi/2014-0017 - Attachment 9	
D2	Fare determination no. 5 - 2014 from NTA to BAC	Oct 14	45	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	
D3	Fare determination no. 9 - 2014 from NTA to BAC	Oct 14	39	not included	available on NTA website at: http://www.nationaltransport.ie/public-transport-services/fares/fares-determinations/	

