

Dublin 2

Our Reference: FoI/2014/0006, by email and by post

28<sup>th</sup> May 2014.

I refer to the request which you made under the Freedom of Information Acts 1997 and 2003 for records held by the National Transport Authority and our previous communications in this matter:

1. *Records showing the total number of downloads for the Taxi driver check app*
2. *Please provide the total number of registered drivers in the Taxi Industry Portal and their registration method, i.e. Taxi Online Portal, Portal mobile App or by Phone*
3. *Records showing the total number of driver checks completed by the driver check mobile application and the total number of inaccurate or incorrect driver and vehicle records that have been detected.*

*Please also provide records showing the number of inaccurate or suspicious records that have been reported that have been investigated by compliance officers. Records that show the total number of inaccurate records due to data quality problems.*

4. *Please provide records showing the total budget and actual spend on project management and software development of the taxi registration system, the driver check application and industry portal.*
  - a. *Please provide details showing how much external companies were paid on these projects.*

I have made a final decision to part grant your request today. If you have any queries regarding this correspondence you can contact me by telephone on 01 881 5519 or by email, [neill.anderson@nationaltransport.ie](mailto:neill.anderson@nationaltransport.ie)

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

1. A schedule 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, its form and the fee required to be paid;
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**

A schedule is attached, it shows the documents that the National Transport Authority considers relevant to your request. It also gives you a summary and overview of the decision as a whole. The schedule describes each document, and indicates whether the document is

released in full, released with deletions or not released. The schedule refers to the sections of the FOI Act which apply to prevent release. As to these documents, the schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 3. below.

## **2. Access Arrangements**

You have not specified a particular method of access and I consider provision by way of scanned copies an appropriate form of access in this case as some records contain redactions. Accordingly, the records described as released in full or released with deletion are now enclosed.

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

I had previously informed you of the following by way of email of 19<sup>th</sup> May 2014:

*For information the Taxi Driver Check app and associated web portal along with our dedicated SPSV Industry assistance line allows drivers of SPSV to notify the Authority as to the vehicle they propose to be operating.*

*The following information may be of assistance:*

*1. Total downloads of the Driver Check app to 12<sup>th</sup> May 2014 (Android and iOS) is 46,309.*

*2. There are no specific records that apportion the registration method for active links. However, in total since the system commenced operation 147,488 links have been made (to 15<sup>th</sup> May) of which 83,579 were completed by calling our Industry phone number and 63,909 have been made online or via the app.*

*At 15<sup>th</sup> May the active taxi and wheelchair accessible taxi fleet comprises 17,881 vehicles, of which 16,564 are linked to a driver.*

*3. Total searches completed using the Driver Check app to 12<sup>th</sup> May 2014 is 2,114,436.*

*Total returns made using the "Report" button within the Driver Check app, to 12<sup>th</sup> May 2014, is 129,309.*

*(Note use of the Report button is possible in all circumstances, so this number does not necessarily represent a report made in respect of "inaccurate or incorrect driver and vehicle records".)*

*There are no specific records "showing the number of inaccurate or suspicious records that have been reported that have been investigated by compliance officers. Records that show the total number of inaccurate records due to data quality problems."*

*However, a system generated report of **all** driver to vehicle links is run regularly and this is manually reviewed where priority is given to identifying links that include unlicensed vehicles and drivers. Common search errors noted are users (of the public facing app) entering vehicle registration numbers with spaces either side of the country identifier, the Search function requires the registration number to be entered with no spaces.*

*These details are provided regularly to Gardaí for use in their ANPR system. A sub set of this information is provided internally for Compliance officers where relevant to their area of operational activity.*

*It is important to note that failure to link vehicle and driver is an "in use" offence and any data in the above assists in targeting enforcement as it does not provide direct evidence that would support the issuing of a penalty notice.*

*4. The following details the project spend, please note all of this spend relates to external service providers and excludes VAT.*

<i>IT software design and development</i>	<i>€269,794.80</i>
<i>Project Management</i>	<i>€21,750</i>
<i>Website Integration</i>	<i>€4,900</i>
<i>Graphic Design</i>	<i>€3,915</i>
<i>Graphic Design</i>	<i>€1,150</i>
<i>Total excl. VAT</i>	<i>€301,509.80</i>

Further detail is now attached, please take note of the following:

- i. The Total sheet (A) differs from the values I previously provided in respect of the IT Development costs. Some of the component costs included in the previous figures for IT did not include VAT even though a blanket deduction was made to provide the VAT exclusive table of costs above; this has now been corrected.
- ii. Early invoices from OpenSky (IT design and development) did not separately itemise the Driver Check app project and some ongoing support/development costs are for the organisation as a whole and so an estimated apportioning of the monthly costs has been made (B1).
- iii. Abtran provide a number of services to the wider National Transport Authority organisation, including call centre provision and back office administration/payment processing. D1 and D2 show the project management element accruing to the Taxi Driver Check app project.
- iv. Certain pieces of information have been redacted.

The sections of the Act which can apply to deny access to documents are known as its exemption provisions.

1. Some of the invoices contain line items for other work for the National Transport Authority (not within scope of request) and most also include some element of pricing that is judged to constitute financial and/or technical information that could prejudice the competitive position of the company or information whose disclosure could prejudice the competitive position of the company. For example, hourly rates.

2. Section 27 of the FoI Acts deals with exemptions generally associated with "commercially sensitive information". It is concerned with preventing unwarranted commercial disadvantage to persons carrying on a commercial activity. This section is reproduced below:

**27. (1) Subject to subsection (2), a head shall refuse to grant a request under section 7 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.

(2) A head shall grant a request under section 7 to which subsection (1) relates if

- (a) the person to whom the record concerned relates consents, in writing or in such other form as may be determined, to access to the record being granted to the requester concerned,
- (b) information of the same kind as that contained in the record in respect of persons generally or a class of persons that is, having regard to all the circumstances, of significant size, is available to the general public,
- (c) the record relates only to the requester,
- (d) information contained in the record was given to the public body concerned by the person to whom it relates and the person was informed on behalf of the body, before its being so given, that the information belongs to a class of information that would or might be made available to the general public, or
- (e) disclosure of the information concerned is necessary in order to avoid a serious and imminent danger to the life or health of an individual or to the environment, but, in a case falling within paragraph (a) or (c), the head shall ensure that, before granting the request, the identity of the requester or, as the case may be, the consent of the person is established to the satisfaction of the head.

**(3) Subject to section 29, subsection (1) does 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 request under section 7 concerned.

**(4) Where-**

- (a) a request under section 7 relates to a record to which subsection (1) applies but to which subsections (2) and (3) do not apply or would not, if the record existed, apply, and**
- (b) in the opinion of the head concerned the disclosure of the existence or non-existence of the record would have an effect specified in subsection (1),**

**he or she shall refuse to grant the request and shall not disclose to the requester concerned whether or not the record exists.**

The exemption considered to apply to all redactions in the records provided (within scope of the request) is section 27 (1) (b) and (c) because the invoice line items contain financial, commercial, scientific, technical or other information (i.e. in relation to activities carried on for the purpose of generating income or profit) and whose disclosure 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 (i.e. knowledge of the company's pricing structure could disadvantage them in the market place and future tender competitions).

3. The exemptions provided for in section 27 (1) may be overridden in "the public interest" (section 27 (3)). I am of the opinion that the release of the records in partial form as supplied provides adequate detail in that the overall actual spend in each area has been provided, as requested, and that the disclosure of the rates of individual personnel within the firms is not justified.

#### **4. Rights of appeal**

You may appeal this decision. 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 main National Transport Authority address:

Dún Scéine  
Iveagh Court  
Harcourt Lane  
Dublin 2

Your correspondence should include a fee of €75 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the National Transport Authority. You should make your appeal within 4 weeks from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. *A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not weekdays).* The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the National Transport Authority.

As previously advised to you the National Transport Authority may publish released "non-personal" FoI information on its website.

Yours sincerely,

**Neill Anderson**  
**Technical Advisor**