

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 September 2011

**Public Authority:** Transport for London  
**Address:** Windsor House  
42 – 50 Victoria Street  
London  
SW1H 0TL

### Decision (including any steps ordered)

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1. The complainant has requested the underlying geographical telephone number for Transport for London's ("TfL") 0843 travel information line. TfL withheld this information on the basis of the commercial interest exemption (section 43(2)).
2. The Commissioner's decision is that TfL was correct to withhold this information under this exemption.
3. Therefore Commissioner does not require TfL to take any steps.

### Request and response

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4. The complainant contacted TfL on 11 November 2010 and made the following request:
  - "1. Please confirm the underlying geographic telephone number for 0843 222 1234;
  2. Please provide the telephone number for international callers to make travel-related enquiries;
  3. What evidence, research and other relevant data was obtained from:
    - a) The telephone regulator, Ofcom;

*b) The service provider(s) of the non-geographic number 0843 222 1234;*

*c) Any other source;*

*relating to the ability and cost of terminating internationally-originated calls to the non-geographic number 0843 222 1234 prior to the introduction of this number."*

5. On 7 December 2010 TfL responded and provided some information in relation to the second and third parts of the request. However, in relation to the first part of the request it informed the complainant that this information was exempt under the commercial interest exemption.
6. The complainant wrote to TfL on 24 December 2010 and requested an internal review of its use of this exemption. He also stated that he did not believe that it had fully answered the third part of his request in relation to the cost aspect.
7. On 17 January 2011 TfL wrote to the complainant with the details of its internal review. It upheld its use of the commercial interest exemption to withhold the information it held in relation to the first part of the request. In relation to the outstanding elements of the third part of the request, it provided further information.

### **Scope of the case**

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8. On 23 February 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider TfL's use of the commercial interest exemption to withhold the information it held in relation to the first part of the request.
9. Therefore the scope of the case will be to consider TfL's use of the commercial interest exemption to withhold the information requested in the first part of the request.

### **Reasons for decision**

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10. The commercial interest exemption states that information is exempt if disclosure would or would be likely to prejudice the commercial interests of any person (including the public authority holding it).

11. In this case the requested information relates to the main telephone number (0843 222 1234) for the TfL Transport Information Centre's helpline.<sup>1</sup> The request is for the geographical number that underlies this 0843 number. TfL has explained that there are, in fact, a number of geographical numbers that underlie the 0843 number.
12. TfL has withheld this information on the basis that disclosure would be likely to prejudice its commercial interests.
13. In reaching a view on the application of this exemption the Commissioner has first considered whether the potential prejudice argued by TfL relates to the interest identified in this exemption – i.e. if the prejudice were to occur, would this prejudice relate to the commercial interests of TfL?
14. TfL has informed the Commissioner that when a caller rings the 0843 telephone number, depending on the nature of their query, the call may be routed through one of several different geographic telephone numbers across multiple sites. It has further explained that, "Each of these call centres is run by one of several different suppliers on our behalf, each of whom deals with different aspects of London travel (e.g. bus enquiries, London Underground, refunds, etc). Each supplier is paid according to the number of calls handled." It has argued that if the withheld information were to be disclosed, this would result in calls being made to the wrong sites, which would require calls to be rerouted to the correct call centre. As each call centre supplier is paid according to the number of calls handled, this would result in increased costs to TfL.
15. The Commissioner considers that the relationship between TfL and these service providers is of a commercial nature, in that it relates to the costs incurred through a commercial contract. Bearing this in mind, he is satisfied that the potential prejudicial effects argued by TfL do relate to its commercial interests.
16. In addition to this, bearing in mind the above arguments, the Commissioner is satisfied that there is a causal relationship between the potential disclosure of the withheld information and prejudice to the commercial interests of TfL. Furthermore, he is satisfied that the resultant prejudice (if it were to occur) would be real and of substance.

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<sup>1</sup> <http://www.tfl.gov.uk/contact/13879.aspx>

17. Next the Commissioner has gone on to consider whether the disclosure of this information would be likely to prejudice the commercial interests of TfL.
18. In reaching a decision on the question of the likelihood of prejudice the Commissioner considers that the expression 'likely to prejudice' means that the chance of prejudice being suffered should be more than a hypothetical possibility – there must be a real and significant risk.<sup>2</sup>
19. As noted above, TfL has informed the Commissioner that when a caller rings the 0843 telephone number, depending on the nature of the query, the call may be routed to one of several different call centres. Calls are routed to the correct call centre by the use of an Interactive Voice Response system ("IVR system") on the 0843 number. The call centres are run by different call centre suppliers, which handle calls on behalf of TfL in relation to specific aspects of London travel. TfL pays each supplier according to the number of calls that are handled by that supplier's employees.
20. TfL has argued that if the withheld information were to be disclosed there would be a significant chance that callers would call one of the geographic numbers (i.e. the withheld information) rather than the main 0843 number. It has referred the Commissioner to various websites promoting the use of geographic numbers, rather than central 08 telephone numbers, in order to support this argument.
21. Without the IVR system in place to route calls to the correct call centre, given that there are a number of geographic telephone numbers that underlie the 0843 number, there would be a significant chance that many calls made directly to the geographic numbers would be made to the wrong call centre. These would then have to be rerouted to the correct call centre. The net result of this would be that two call centre suppliers (both the one who had received the incorrect call and the one to whom the call was redirected to) would then both be able to bill TfL for the handling of one call.
22. Bearing these points in mind, the Commissioner is satisfied that were the withheld information to be disclosed, this would be highly likely to result in TfL being unnecessarily billed multiple times for calls in relation to travel related queries. Given the current 'consumer campaigns' against the use of 08 numbers, the Commissioner considers that the chance of calls being made to the geographic numbers – if they were disclosed – to be highly likely. Given that these numbers relate to the

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<sup>2</sup> John Connor Press Associates Limited v ICO [EA/2005/0005], para 15.

transport information helpline for the nation's capital, he considers that the potential number of calls that would be made to these numbers is also high.

23. Taking these factors into account, the Commissioner is satisfied that the disclosure of the withheld information would be likely to prejudice TfL's commercial interests. Therefore the exemption is engaged.
24. However, the commercial interest exemption is qualified which means that the requested information should only be withheld where the public interest in maintaining the exemption outweighs the public interest in disclosure.
25. In respect of the public interest in disclosure, the complainant has argued that,

*"Universality of connection to non-geographic numbers is not guaranteed...and where connection can be established, costs are significantly greater for non-geographic numbers than with the previous geographic version...This new numbering policy is discriminatory in nature, and will preclude many people in many different territories from effecting travel-related enquiries to a significant transportation body."*

26. Therefore, enabling a more reliable (and possibly cheaper) method to contact TfL's Transport Information Centre's helpline would be in the public interest. The complainant has added that,

*"Given that London is a major international destination, that it is reasonable to expect internationally-originated calls and that the city is about to host a global event in 2012, it is incumbent on the transport provider to facilitate international inbound traffic."*

27. As regards the public interest in maintaining the exemption the Commissioner has been mindful of his conclusions that disclosure of the withheld information would be likely to prejudice the commercial interests of TfL. He considers that there is a strong public interest in avoiding unwarranted prejudice to the commercial interests of public authorities.
28. In balancing the public interest arguments in this case the Commissioner has been particularly mindful that disclosure of the withheld information would be likely to cause prejudice to the commercial interests of TfL. In particular, he is mindful of his above conclusions that given the current campaigns against the use of 08 numbers, and the fact that the withheld information relates to the transport information helpline for the nation's capital, the chance of TfL being double billed for calls (therefore causing prejudice to its commercial interests) to be particularly likely to occur.

Given this, he finds that the public interest in avoiding this prejudice particularly weighty.

29. The Commissioner is aware that the use of 08 numbers by some public authorities (as well as many private businesses) is a matter of debate, and the focus of consumer campaigns. However, although there is a public interest in helping to inform this debate, the Commissioner does not consider that the disclosure of the withheld information would in any way contribute to the debate.
30. TfL has acknowledged that there is a public interest in members of the public being able to potentially incur smaller charges by ringing a geographical number (rather than an 08 number). However, it has argued that this interest is somewhat defrayed by the information it puts in to the public domain through other sources. In particular, it has informed the Commissioner that it makes travel information publicly available through a number of different sources – namely its website; Travel Information Centres; information at its stations and bus stops; information in a regional newspaper; free mobile travel alerts; and a free weekly email to customers detailing weekend closures.
31. The complainant has discounted this, arguing that, “Some potential visitors requiring travel information, particularly those from ‘undeveloped’ locations may not have access to travel information alternatives offered by TfL such as web-based applications.”
32. Bearing in mind the travel information that is available through other TfL sources – in particular its website – the Commissioner considers that the public interest arguments in favour of disclosure are somewhat satisfied. He notes the complainant’s arguments about the availability of internet access in some locations, but considers that it is reasonable to state that information on a publicly accessible website can be considered to be generally publicly available, both nationally and internationally.
33. Therefore, after considering these points the Commissioner has decided that the public interest in disclosure is outweighed by the public interest in maintaining the exemption. Therefore the withheld information should not be disclosed.

## Right of appeal

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34. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

35. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Signed** .....

**Pamela Clements**  
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**Information Commissioner's Office**  
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