

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 January 2012

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

Decision (including any steps ordered)

1. The complainant requested the underlying geographical telephone numbers for specific Transport for London ('TfL') call centres. TfL withheld this information on the basis of section 43(2) (prejudice to commercial interests).
2. The Information Commissioner's decision is that TfL was correct to withhold this information under this exemption.
3. The Information Commissioner ('the Commissioner') does not therefore require TfL to take any steps.

Request and response

4. On 30 October 2010, the complainant wrote to TfL and requested information concerning TfL's changeover to its 0843 222 1234 number ('the 0843 number') in the following terms:
 - 6.1 *any/all documents which discuss the tendering process;*
 - 6.2 *and any/all documents which discuss the implementation of the 0843 number;*
 - 6.3 *the tender advertisement;*
 - 6.4 *the tender document;*
 - 6.5 *any document which discusses the time line of the 0843 number;*

and

8.0 'What is the normal (normal meaning not in emergency or times of heightened call volumes) underlying geographical number for people to contact your call centres in:

8.1 55 Broadway;

8.2 Pitsford;

8.3 Laurencekirk;

8.4 Northampton.'

5. TfL responded on 25 November 2010. It stated that it was unable to provide the complainant with any of the documents requested concerning the 0843 number because to do so would exceed the £450 appropriate limit under section 12 of the FOIA. With regard to the underlying geographical numbers, TfL advised that it was withholding this information under section 43(2).
6. Following an internal review TfL wrote to the complainant on 20 December 2010. It upheld its use of both the section 12 and section 43(2) exemptions.

Scope of the case

7. On 14 January 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. Following discussions with the Commissioner, TfL reconsidered its response and agreed that points 6.3 and 6.4 of the complainant's request did not exceed the appropriate limit under section 12. TfL provided the complainant with the tender documents requested. It also confirmed that it did not hold the tender advertisement, and that the tender exercise had been conducted through the Office of Government Commerce (OGC) Buying Solutions programme. The complainant was informed that the Office of Government Commerce now forms part of the Cabinet Office's Efficiency and Reform Group, and was provided with a web link to information about the Buying Solutions service.
9. The scope of the case therefore concerns the use of the commercial interests exemption by TfL to withhold the underlying geographical telephone numbers requested.

Reasons for decision

10. Section 43(2) of FOIA 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. The requested information in this case relates to the main telephone number (the 0843 number) for the TfL Transport Information Centre's helpline. The request is for 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. The type of prejudice envisaged by TfL relating to its commercial interests was explained in correspondence with the complainant and the Commissioner. TfL stated that disclosure of the requested information would be likely to
'affect our business with our suppliers. We pay suppliers depending on the number of calls we send them. If the 01 or 02 numbers are distributed, and the public use these numbers to call into the centres, TfL will need to pay the suppliers for taking a call. If the callers dialled the wrong departments, TfL would pay the supplier for the initial call, as well as paying other suppliers if that call had to be re-routed or transferred to another company. Without calls coming through our central numbers, we are not able to tell how many calls our suppliers should be billing us for'.
14. The Commissioner considers that the relationship between TfL and its suppliers is one of a commercial nature, as a commercial contract exists through which TfL purchases the services of these suppliers. Consequently, the Commissioner is satisfied that the potentially prejudicial effects argued by TfL do relate to its commercial interests.
15. Based on TfL's submissions, the Commissioner is satisfied that there is a causal connection between the potential disclosure of the withheld information and prejudice to the commercial interests of TfL. Were this prejudice to occur, then the Commissioner is satisfied that it would be real and of substance.
16. 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 caused should be more than a hypothetical possibility; the risk must be real and significant.

17. TfL has explained that the switchover from the 0207 number to the voice activated 0843 number in December 2009 took place against a background of a four year planned reduction of £2.17 billion funding provided to TfL by the Department for Transport (DfT). The reduction has necessitated further action on the part of TfL to absorb its impact and drive efficiencies to protect investment and its frontline services.
18. When customers call for travel advice on the 0843 number, they receive an automated service which is able to deal with simple 'A to B enquiries' that involve tube stations, rail stations and major points of interest. TfL advise that the new service aims to, *'provide a speedier, more efficient experience for our customers whilst at the same time freeing up agents' time to deal with more complex requests'*. Should a query be more complex, a customer is able to speak to a travel adviser by having their call routed to a number of different geographical telephone numbers across multiple sites. These call centres are run by one of several different suppliers on behalf of TfL, 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 numbers of calls handled; a particularly pertinent factor when considering the likelihood and extent of the prejudice to TfL.
19. TfL informed the Commissioner that, *'the transition to a 0843 number was needed for operational reasons that require the extra capacity offered by the 0843 number'*. By moving to the 0843 number, TfL has increased its capacity through network routing, enabling it to better serve its customers quickly and efficiently.
20. TfL has argued that if it were to disclose the geographic numbers requested by the complainant, then it is likely that callers would use these numbers (instead of the 0843 number) to make travel enquiries. TfL has referred the Commissioner to a number of websites which promote the use of geographic numbers in preference to central 08 telephone numbers in support of this proposition.
21. The consequences (in terms of the prejudice caused to its commercial interests) which would likely result from disclosure of the geographic numbers were explained by TfL.

'If we were to release these numbers and callers dialled the wrong one, we would not only have to pay the supplier who initially received the call, but also pay any other suppliers involved if that call had to be re-routed or transferred to another company. The central number allows us to determine how many calls have actually been received and ensure that we are only billed for the correct amount; particularly that we are not billed multiple times for the same call'.

22. Without the IVR (technology that allows a computer to interact with humans through the use of keypad inputs or speech recognition) system in place to route calls to the correct call centre, it is likely that a substantial number of calls made directly to the geographic numbers would be made to the wrong call centre. These calls would then need to be rerouted to the correct call centre, with the result that TfL would be billed for the handling of two (rather than one) calls from its suppliers, incurring an unnecessary cost in the process.
23. Release of the geographic numbers would also result in a further additional expense to TfL, in that it has explained that,

'all customer service agents would have to receive significant additional training at TfL's expense if calls were not routed through our IVR system. This is because they would have to be trained in handling and routing a much wider variety of queries, which would greatly add to TfL's costs for providing the service'.
24. TfL has stated that using the 0843 number saves it approximately £1.25 million per annum, and whilst it does obtain a rebate from callers using the 0843 number, the rebate does not cover the full cost of providing the service and TfL makes no profit from it. TfL has also confirmed that the natural language service (advanced IVR system which understands relatively complex instructions from the caller) supported by the IVR technology is only possible with a 0843 number (it cannot work on a 020 number).
25. Taking these factors together, the Commissioner is satisfied that were the withheld information to be disclosed, it is highly likely that an increased number of telephone calls would be made to the geographic numbers in preference to the 0843 number (particularly given the current consumer campaigns against the use of 08 numbers). For the reasons set out above, this could result in TfL being unnecessarily billed multiple times for some calls relating to travel enquiries. Given that the geographic numbers relate to the transport information helpline for the nation's capital, the Commissioner considers that the potential number of calls which could be made to these numbers could be of a significant size. Consequently, the increased cost to TfL, both in terms of the cost of paying for the extra calls, and the expense of the extra staff training required, could be substantial especially when placed in the current context of the need to make efficiency savings and improvements.
26. The Commissioner notes that the withheld information in the present case is very similar to that considered in the recent decision (also involving TfL) of FS50376821. As in that case, the Commissioner is satisfied that the disclosure of the withheld information in the present

case would be likely to prejudice TFL's commercial interests. The exemption is therefore engaged.

27. However, as section 43(2) is a qualified exemption, the requested information should only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.
28. In its response to the complainant, TfL acknowledged that, *'publishing the information would be beneficial to callers, in that they might be able to save on the cost of calls to our service'*. However, TfL also argued that publishing the geographic numbers would not only affect its own business, but also the service provided to customers.

'Allowing customers to dial the geographical numbers directly would mean that they would not receive self service options or the opportunity to select the type of enquiry they wish to make. This would mean that calls would require additional transfers, with additional waiting time and a reduced quality in service. We also sometimes change the geographic numbers, for example if contact centres are evacuated or subject to industrial action, and having a single, non geographic number means that we can ensure that in such circumstances, calls continue to be taken and routed correctly'.

29. TfL accepts that there is a public interest in providing customers with a choice of number to dial, particularly in terms of possible cost savings for customers calling its service, but it submitted that the importance of this factor is significantly lessened by the fact that it already makes travel information available without cost through a number of sources, including its website, stations and stops, travel information centres, free mobile travel alerts, free weekly email to customers detailing weekend closures and information in a regional newspaper.
30. TfL highlighted that in response to this and other requests for information concerning the 0843 number, it had already disclosed a significant amount of information, including the cost of obtaining the number, the provider of the number, the provider of the software, the date the number was purchased, the rebate amount and the tender documents.
31. The complainant contended that in its response to his request, TfL had, *'only considered what would suit themselves'*. He stated that *'callers have to pay increased call rates to call an 0843 number from mobiles (sometimes as high as 20-30p a min) and they have not considered this. If they had, maybe a 'mobile' only DDI number could be introduced? They've done it for Dial a Ride'*.

The Commissioner notes that while TfL was not as specific as the complainant on the point, it did acknowledge in its consideration of the public interest factors favouring disclosure that, *'publishing the information would be beneficial to callers, in that they might be able to save on the cost of calls to our service'*. Similarly, on the Dial a Ride point, TfL informed the complainant in its internal review decision that *'comparisons with other TfL departments are not instructive given the services they offer – as with Dial-a-Ride relate to a single service of specialised nature and do not require routing in the same way as is required when calling the call centres'*.

32. The complainant disagreed with TfL's claim that having an option based service is better for customers by not providing them with additional waiting times or transfers.

'Most people I have spoken to and most surveys carried out say that most people just want to speak to a human and not to have to press 1 for this, 2 for that. TfL also fail to admit or mention that the longer they keep the person on the phone, the more of that 1.5ppm (the per call rebate) revenue they get'.

The complainant added that TfL's claim that provision of the geographic numbers would reduce the quality of service to customers was unsubstantiated.

33. In terms of the public interest factors in support of maintaining the exemption, TfL argued that it is in the public interest for it to manage expenditure and make efficiency savings where possible to protect investment in vital public transport programmes. TfL also contended that *'it is not in the public interest to undermine the operation of public services by the release of information which would do little to further the public understanding of the services and which actually has the potential for negative impact on the customer experience'*.

34. By way of example, TfL explained that the geographic numbers can only handle a finite number of simultaneous calls, after which callers hear an 'engaged' tone. With the 0843 number, TfL asserted that there is a vastly increased capacity for calls to be answered and routed to the appropriate area. A further important practical problem which might result from disclosure of the withheld information was explained as follows:

'There would be an increased risk of customers going through to the wrong department and then having to be transferred. Customers tend to believe that as long as an advisor answers their call, then they can help, which is not the case. TfL contact centres are virtualising and cross skilling agents so agents only receive calls which they have been

trained to service. If the wrong type of call comes in on a telephone line, the caller must be transferred to the correct queue. This has an impact on the call statistics which are used in scheduling and allocation of customer service agents. Throughout the day we route the calls to the best skilled agents and shortest queues across multiple sites to ensure the minimum wait times'.

35. TfL also informed the Commissioner that the 0843 service includes FAQ announcements and self service options which can further improve the customer experience and possibly even negate the need for a customer to speak to an adviser at all. These services are not available through the geographic numbers. TfL argued that, *'enabling customers to call the geographic numbers would negate all these improvements, leading to increased waiting and call times and harming the customer experience, which is not in the public interest'.*

36. In concluding its submissions on the public interest to the Commissioner, TfL submitted that,

'while the release of these numbers might benefit an individual caller with regard to the cost of their call, this must be set against the wider public interest in providing an efficient and cost effective service that enable TfL to make best use of its limited resources while providing the best possible service to the customer'.

37. The Commissioner acknowledges (as has TfL) that the average telephone call to a 0843 number from a mobile may be more expensive than a telephone call to one of the specified geographic numbers. In financially straitened times, this factor is particularly relevant when considering where the balance of the public interest lies. The Commissioner recognises that the profile of the public interest in this issue has received prominence due to various websites and particular customer campaigns.

38. However, the complainant's premise of such calls (to a geographic number), being cheaper than those made to the 0843 number, is predicated on the assumption that the customer's enquiry will be able to be swiftly and satisfactorily answered by the call centre receiving the call. In reality however, it could well be the case that the particular call centre will not be able to answer the specific query (e.g. if that call centre supplier does not deal with the particular aspect of London travel asked about). In such a situation, not only will the customer be subject to the additional waiting time of having the call re-routed to the relevant call centre, but any cost saving which might have been made by ringing the geographic number rather than the 0843 number, will be offset or even nullified by the increased length of time that the customer is

required to wait on the phone. Neither result could be considered to be in the public interest.

39. In submissions to the Commissioner, the complainant raised the issue of the rebate which TfL obtains from callers using the 0843 number, and suggested that the longer TfL keep a customer on the phone, the more of the 1.5ppm rebate they receive. However, TfL has assured the Commissioner that the rebate does not cover the full cost of providing the 0843 service and that it makes no profit (contrary to the complainant's contention) from it.
40. The Commissioner is also cognisant of the fact that due to the various methods by which TfL promotes and makes available its travel information to the public (as referenced in paragraph 29 above), it is not the case that customers are necessarily forced to incur the extra cost which might be made by choosing to ring the 0843 service (when compared to the cost of ringing one of the specified geographic numbers).
41. The Commissioner is aware and acknowledges that the use of 08 numbers is a matter of debate and the focus of consumer campaigns. However, whilst there is a public interest in helping to inform this debate, he does not consider that the disclosure of the withheld information would contribute to this in any way.
42. In reaching a decision as to where the balance of the public interest lies in this case, the Commissioner considers that the public interest is best served by TfL being able, at a time of substantial funding reduction, to offer the public the most efficient and effective frontline services and to manage its budget in a way which protects the same. Having carefully weighed the arguments put forward by both parties, the Commissioner is not convinced that the public interest case put forward by the complainant would be such as to justify disclosure of the withheld information.
43. The Commissioner is however satisfied, based on the detailed submissions provided by TfL, that disclosure of the withheld information would be likely to lead (in a significant number of instances of customers calling the call centres directly) to unnecessary re-routing or waiting of calls (either of which could be expensive to the customer), and a prohibitive duplication of cost (in terms of calls billed) to TfL. This cost duplication (and the extra expense required to train the relevant staff) would place significant strain on TfL's already stretched funding and resources. Since this would be highly likely to adversely impact customers, by reducing or limiting the service provided by TfL, it would not be in the public interest to disclose the withheld information, in the

absence of sufficiently persuasive countervailing public interest arguments.

44. For the reasons given above, the Commissioner has decided that the public interest in disclosure is outweighed by the public interest in maintaining the exemption. Consequently, the withheld information should not be disclosed.

Other matters

45. The Commissioner appreciates that TfL agreed to re-consider its response to the complainant on the section 12 issue during the course of the Commissioner's investigation. However, given that it was clearly evident that section 12 would not be applicable to all of the information requested by the complainant under 6.1 to 6.5 of his request, it is unfortunate that this error was not recognised and rectified earlier during the internal review process.

Right of appeal

46. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

47. 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.
48. 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

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