LETTER FROM DAVID MIDDLETON, CHIEF EXECUTIVE, TRANSPORT SCOTLAND TO THE CONVENER OF THE PUBLIC AUDIT COMMITTEE, 27 JANUARY 2011.

INQUIRY INTO AUDITOR GENERAL FOR SCOTLAND REPORT – NATIONAL CONCESSIONARY TRAVEL

Thank you for your letter of 6 January.

During the discussion at Committee on 22 December 2010, you asked whether Transport Scotland would provide the Committee with the names of bus company operators who have been investigated for fraud.

As I and my colleagues emphasised in December Transport Scotland takes the investigation of fraud very seriously and we are happy to provide general details of numbers of cases under consideration and their estimated value as we did prior to the December hearing. You will appreciate that we must also act within the legal framework governing information disclosure. The law includes provision designed to provide specific protections to those who are investigated for alleged commission of offences by ensuring that such information is only released by investigators to third parties in limited circumstances. In this case, the names of the operators who have been investigated is sensitive personal data for the purposes of the Data Protection Act 1998 and releasing that information in response to the Committee’s request would not meet the relevant statutory conditions nor constitute fair and lawful processing of that information.

Of the total of 8 cases under investigation we reported to Audit Scotland, 2 have since been referred to the Procurator Fiscal. If matters are then taken to court the names of those prosecuted will become public knowledge.

LETTER FROM THE CONVENER OF THE PUBLIC AUDIT COMMITTEE TO DAVID MIDDLETON, CHIEF EXECUTIVE, TRANSPORT SCOTLAND, 6 JANUARY 2011.

INQUIRY INTO AUDITOR GENERAL FOR SCOTLAND REPORT – NATIONAL CONCESSIONARY TRAVEL

Thank you for giving oral evidence on the Auditor General for Scotland’s report entitled National concessionary travel at the Public Audit Committee’s meeting on 22 December 2010. The Official Report of that meeting can be accessed at the following link: [http://www.scottish.parliament.uk/s3/committees/publicAudit/meetings.htm](http://www.scottish.parliament.uk/s3/committees/publicAudit/meetings.htm)

The Committee received written evidence from Audit Scotland which confirmed that the total value of NCT fraudulent claims being investigated by Transport Scotland since the 2009/10 audit is £1.701 million and that there are eight operators which are subject to investigation. At the meeting on 22 December, you agreed that, subject to advice, you would provide the Committee with the names of the eight bus company operators which are currently under investigation. I would be grateful if you could provide this information by 27 January 2011.
Should you require any further information please do not hesitate to contact either the Assistant Clerk, Jason Nairn on 0131 348 5236 or by email at pa.committee@scottish.parliament.uk.