

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 April 2026

Public Authority: City of York Council

Address: Station Rise
York
YO1 6GA

Decision (including any steps ordered)

1. The complainant requested information about the introduction and operation of a QR code-based pass system for access to council-funded school transport. City of York Council (the "council") disclosed some information and confirmed that other information wasn't held. The complainant disputes this and considers that further information is held.
2. The Commissioner's decision is that the council complied with its obligations under section 1(1)(a) FOIA by correctly confirming that it did not hold any further recorded information falling within the scope of the request, beyond that which was already identified and disclosed.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 19 July 2025, the complainant made a request to the council seeking information about the introduction and operation of a QR code-based pass system for access to council-funded school transport. The full request is reproduced in the annex to this notice but, in summary, it covered:
 - the legal and policy basis for a QR code-only system;
 - equality, accessibility and statutory duties;
 - any central government involvement;
 - contractual provisions between the council and its transport provider; and
 - where information was not held by the council, clarification as to who held it and on what basis.
5. The council responded on 24 July 2025 and disclosed some of the requested information. It confirmed that much of the information wasn't held and explained why this was.
6. Following an internal review requested on 5 August 2025, the council issued an internal review response on 14 August 2025, maintaining its position that it did not hold the information sought in the level of detail requested.

Scope of the case

7. On 15 August 2025 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
8. The complainant disputes the council's position, asserting that further information must be held.
9. The Commissioner's investigation is, therefore, limited to determining whether, on the balance of probabilities, the council holds any additional recorded information falling within the scope of the request, beyond that already identified and disclosed.
10. The Commissioner has not considered the merits, lawfulness or appropriateness of the QR code system itself.

Reasons for decision

Section 1 – duty to provide information held

11. Under section 1(1) of FOIA, anyone who requests information from a public authority is entitled:
- To be told if the authority holds the information and,
 - To have the information communicated to them, if it is held and is not exempt information.
12. Where a dispute arises over whether relevant information is held by a public authority, at the time of the request, the task for the Commissioner is to determine whether, on the balance of probabilities, the public authority holds any information relevant to the request.

The complainant's position

13. The complainant maintained that further information ought to be held by the council, given its statutory responsibilities for school transport and the potential implications of a digital pass system for equality, accessibility and the right to education.
14. The Commissioner acknowledges the seriousness of those concerns. However, the issue for determination is not whether information ought to exist, but whether it is actually held by the council for the purposes of FOIA.

The council's position

15. In its response of 24 July 2025, the council explained that York Pullman Bus Company Ltd ("York Pullman") had been the provider of the council's school bus services since 2013, and that the contracts for those services were re-tendered in April 2025, with York Pullman commencing the new contracts in September 2025.
16. The council explained that:
- the service specification requires the contractor to provide printing and distribution of passes;
 - the specification does not prescribe the form of ticketing or access control to be used by the contractor; and
 - the council was not involved in implementing the QR code based pass system.

17. The council stated that it therefore did not hold policies, legal advice, equality assessments, or other documentation relating to the detailed implementation of the QR code system, as this was a change introduced and funded entirely by York Pullman.
18. The council confirmed that it had, however, been provided with information by York Pullman in March 2025 regarding the proposed change, and it relayed that information to the complainant. This included York Pullman's explanation that:
 - QR code passes are issued via a managed system;
 - pupils without access to a mobile device are offered a printed pass containing the QR code, at no charge;
 - drivers are trained never to leave a pupil at a bus stop without transport as part of safeguarding arrangements; and
 - a "no pass, no travel" message was intended to deter misuse rather than to deny transport to eligible pupils.
19. The council also stated that it:
 - had received no funding, instructions or guidance from central government in relation to the QR code system; and
 - monitored the contractor's performance through regular contract management meetings.
20. In its internal review response of 14 August 2025, the council reiterated that:
 - it had not changed its school transport policy or eligibility criteria;
 - the QR code system represented a change to administration and recording, rather than council policy; and
 - it did not hold information at the level of detail sought because those matters related to York Pullman's operational systems, rather than council decision-making.

The Commissioner's findings

21. The Commissioner has considered the council's explanations in light of the nature of the request and the council's role as a contracting authority.

22. The Commissioner is satisfied that:

- the council clearly identified which aspects of the school transport arrangements it controls (policy, eligibility, service specification);
- it explained that the detailed operation of the QR code system was introduced and managed by the contractor, not the council; and
- the council disclosed the information it did hold, including the service specification and information provided to it by York Pullman.

23. The Commissioner is also satisfied that the council gave a consistent explanation, at both response and internal review stage, as to why it did not hold further recorded information addressing the specific points raised in the request.

24. There is no evidence before the Commissioner to suggest that the council holds additional recorded information falling within the scope of the request that has not been identified.

25. The Commissioner notes that FOIA applies only to information held by the public authority itself, or held on its behalf. Information held solely by a contractor in its own right does not fall within the scope of FOIA unless it is held for the purposes of the authority's functions.

26. In this case, the council has explained that the detailed design, operation and administration of the QR code pass system form part of York Pullman's own operational arrangements and were not implemented by, or on behalf of, the council.

27. The council has further explained that it did not receive or generate internal policies, assessments or legal advice concerning the QR code system, beyond the contractual service specification and information voluntarily supplied by the contractor. The Commissioner is satisfied that, in these circumstances, any additional information held by the contractor about the QR code system would not be information held by the council for the purposes of section 1 of FOIA.

28. Accordingly, the Commissioner finds that, on the balance of probabilities, the council does not hold any further information within the scope of the request. The council, therefore, complied with section 1(1)(a) FOIA by correctly confirming that it did not hold any further recorded information falling within the scope of the request.

Right of appeal

29. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Christopher Williams
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Full text of request for information

"1. Legal and Policy Basis:

- a). Please provide copies of all policies, guidance documents, legal advice, or internal communications that justify or support the use of a QR code-only system for school bus access.
- b). Please confirm the statutory or regulatory authority the council relies upon to support any "no QR code, no travel" rule for schoolchildren using council-funded transport.
- c). Please provide any documents showing the reason for the withdrawal of the previously used paper/photo pass system (if applicable).

2. Equality, Accessibility, and Statutory Duties:

Any Equality Impact Assessments, risk assessments, or accessibility audits regarding the transition to a digital-only travel model.

Documentation showing how the council has fulfilled its duties under:

- a). Section 508B of the Education Act 1996.
- b). Public Sector Equality Duty (Equality Act 2010).
- c). Article 2 of Protocol 1 of the European Convention on Human Rights (Right to Education)

3. Central Government Involvement:

Please confirm whether the council has received any:

- a). Funding,
- b). Instructions,
- c). Policy guidance, and or Directives from the Department for Education, Department for Transport, Cabinet Office, or any other central government body, in relation to implementing digital ID or QR code-only systems for school transport access.

If such guidance or funding exists, please provide copies of all:

- a). Grant agreements,
- b). Correspondence,

c). Memoranda, or Implementation directives received.

4. Contractual Terms and Subcontractor Transparency:

Please provide the relevant contract sections between the council and the school transport provider (e.g. Pullmans or other operator), specifically those relating to:

a). Ticketing/access control methods (e.g. digital QR code enforcement), b). Clauses addressing equality, digital exclusion, or accessibility, c). Clauses regarding transparency, accountability, and whether the operator is required to comply with public access to information (or FOI-equivalent) under contract or procurement regulations.

5. If Information Not Held by the Council:

If the council does not hold the information relating to the implementation of the QR code-only (or digital-only) travel requirement, and if the operator (e.g. Pullmans) is exempt from FOI requests in this matter, please:

a). Confirm whether this is the case,

b). Identify who does hold the information (e.g. provide contact details for the appropriate body or contractor), c). Explain under what terms the council delegates this aspect of public service delivery without retaining accountability or oversight."