

Annex A – Table 1 - FOI18-2119- – Public Interest Test

FOI18-2119	Risk assessments for the Chiltern Aquifer	
Date:	29 October 2018	
EIR 2004 – Regulation 12(5)(a) Public Safety		
Factors supporting disclosure	Factors supporting non-disclosure	
<ul style="list-style-type: none"> • Compliance with FOIA and EIR public authority obligations to be transparent, to assist information applicants with their requests for information and to release relevant information to the public in a timely manner • General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made. 	<ul style="list-style-type: none"> • The information contains details of the locations for works in the Chiltern Aquifer. Disclosure could make the site targets for sabotage. The withheld information relates to details of the water supply infrastructure, identifying areas and details not currently known or accessible to the public. • The release of the requested information would render security measures less effective. This could lead to the compromise of the security of the water supply infrastructure and increase the risk of harm to staff and the public. • Disclosure would not be in the public interest in demonstrating accountability for public spending, or shed light on the management of the infrastructure. Disclosure would only contribute to increasing knowledge of the specific non-public areas and infrastructure plans. • By disclosing procedural and specialist information regarding the infrastructure we would be mapping out our resources and capability. This information could be used in conjunction with other data held by a person wishing to inflict harm. 	

	<ul style="list-style-type: none"> • Health and safety is one of HS2 Ltd's intrinsic core values. One of our strategic goals is to build a railway that is designed, built and operated to the highest health and safety standards. It is not in the public interest to disclose these details giving the potential for harm. • There is evidence that demonstrations have occurred outside HS2 sites in the past. HS2 Ltd has a duty of care to the public, HS2 staff, contractors working for HS2 Ltd and the land and property the company access. • There is no foreseeable benefit to the public in releasing the information. HS2 Ltd considers that were this information to be disclosed, the safety and/or mental health of staff working at the sites as well as the public could be endangered. • As many of the sites are based on privately owned land, the information could be used to access private property which would endanger members of the public and their property. It is therefore not in the public interest that the owners of the land where the GI works take place are put at any risk.
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Conclusion:

The information requested relates safety and security of the Chiltern Aquifers, if disclosed, would endanger the safety of HS2 Ltd staff, contractors and members of the public. Therefore Regulation 12(5)(a) under EIR 2004 can be considered.

Under ICO guidance we understand that we must consider whether it is reasonable in all circumstances to withhold this information before considering whether there is a public interest in disclosing it. The disclosure of Chiltern Aquifers sites could adversely impact upon the protection of the public and workers from accident or acts of sabotage. It could also adversely affect the safety of the owners of the land where the works take place.

For these reasons we believe Regulation 12(5)(a) applies and the reasons for withholding the information outweigh the public interest in disclosure.

Annex A - Table 2 - FOI18-2119- - Public Interest Test

FOI18-2119	Risk Assessments for Chiltern Aquifers	
Date:	29 October 2018	
EIR Regulation: Regulation 12(4)(d) Relates to material which is still in the course of completion; unfinished documents; and incomplete data.		
Factors supporting disclosure	Factors supporting non-disclosure	
<ul style="list-style-type: none"> • Compliance with FOIA and EIR public authority obligations to be transparent, to assist information applicants with their requests for information and to release relevant information to the public in a timely manner. • Facilitating public understanding of an important public project and matters of public concern. 	<ul style="list-style-type: none"> • The information withheld under this EIR exception relates to various ongoing investigations such as shafts, tunnels, piling designs, technical designs and water bore holes and still in the course of completion. As such the information and assessment within the risk assessments are part of an ongoing decision making and design process and is likely to be subject to change as the scheme develops. • There is a public interest in ensuring that the construction team at HS2 Ltd have a safe space to consider and assess a range risks associated with a number of options candidly and freely without being concerned that information could be released in a form where it is potentially misleading. It is in the public interest therefore that public officials are allowed a thinking space in which to appraise and assess all the information collated before coming to a final conclusion about the designs, risks and their mitigation. • HS2 is a very high profile project which is subject to a high level of public and 	

	<p>media scrutiny. While we are aware that we can contextualise information to highlight any potential inaccuracies we are not confident that this will be sufficient to correct any misleading impressions or confusion that could be created publically if this information were released and used in the national debate surrounding HS2 Ltd.</p>
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Conclusion:

The decision to withhold the information is upheld in the light of the arguments against disclosure. The material in question is still in development and final decisions are yet to be made, thus regulation 12(4) (d) is engaged.

The information withheld under this exception forms part of material which is still in the course of completion and HS2 Ltd staff should be allowed a safe space in which to work freely, employing this information. There is a public interest in ensuring that public authorities are given space to compile reports and make informed decisions, without concern that the public debate could be skewed by the early release of information and assessments which are subject to change or may be made redundant as designs progress.