

**Graeme Amis**

By email: [request-522440-d09e1594@whatdotheyknow.com](mailto:request-522440-d09e1594@whatdotheyknow.com)

30 October 2018

Dear Mr Amis

## **FOI18-2162**

Thank you for your information request of 28 September. I have processed your request under the Environmental Information Regulations 2004 ('EIR') as the information requested is environmental according to the definition in regulation 2 of the EIR. Section 39 of the Freedom of Information Act 2000 ('FOIA') exempts environmental information from the Act, but requires us to consider it under the EIR.

In your email you requested the following information:

***"minutes of any water liaison meetings regarding the Chiltern aquifer"***

Firstly, I must apologise for a mistake in a previous FOI response.

In a previous request (our ref. FOI18-2114) we said that 15 sets of minutes were found in relation to that request. Unfortunately one set of minutes was duplicated, and this was not noticed at the time. Two further meetings have been held subsequent to that request, therefore I attach copies of those 16 sets of minutes with this response.

Please note that some information in relation to your request is being withheld under the following Regulations:

### **Regulation 12(4)(d): Material in the course of completion, unfinished documents and incomplete data**

Regulation 12(4)(d) of the EIR provides that a public authority may refuse to disclose information "to the extent that the request relates to material which is still in the course of completion, to unfurnished documents or to incomplete data".

ICO guidance states that "while a particular document may itself be finished, it may be part of material which is still in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may itself be finished, it may be part of material that is still in the course of completion. An example of this could be where a public authority is formulating and developing policy." Therefore the

exception reflects an awareness that public authorities will on some occasions require 'safe space' in which to carry out its decision making.

Some of the information requested covers options, advice and opinions put forward in the meeting(s) as part of the decision making process regarding works for which the planning has yet to be finalised, let alone the physical work(s) started - this includes dates of works, material(s) choices, test location, construction methods, design decisions, approaches to tests, timings of works, piling options, and water treatment options. Other information requested involves preliminary discussions with landowners, and options regarding various mitigation works that may, or may not, be necessary.

The information is all related to the continuing deliberation and as such the decision making process is still ongoing. It is important that HS2 Ltd has a safe space to deliberate issues and reach decisions. Decision makers and advisors therefore need an environment where they can work candidly and freely without being concerned that information could be released in a form where it is potentially misleading.

### **Regulation 12(5)(a) - Public Safety**

Regulation 12(5)(a) provides an exception to disclosing requested information if it would adversely affect national security.

The information withheld relates to details of the water supply infrastructure, identifying areas and details not known or accessible to the public. It is believed that release of this information could compromise the security of these sites. Disclosure would mean placing significant security related information into the public domain which could be used to interfere with, disrupt or attack the water supply infrastructure.

It is therefore deemed that the release of this information would increase the risks of crime or terrorist activities and so compromise public safety.

Please see <http://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made> for the full details of Regulation 12.

### **Regulation 13: personal information**

Please see <http://www.legislation.gov.uk/ukxi/2004/3391/regulation/13/made> for the full details of this Regulation.

If the information constitutes the personal data of third parties, public authorities should consider whether disclosing it would breach the data protection principles.

Those who attended the meetings are not employed in public facing roles, and their names are not in the public domain and those members of staff - both HS2 and non-HS2 - have a reasonable expectation that such details would remain confidential. The job title or titles of those named in the minutes are individual and unique to those persons; revealing the job title or titles would in the opinion of HS2 Ltd therefore breach the data protection principles as it would allow that person or those persons to be identified.

Each redaction is clearly marked with the relevant Regulation.

### **Public interest test**

All exceptions under EIR are subject to a Public Interest Test which means that we need to consider whether “in all circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information”. We have weighed up the benefits to the public of releasing the information against the factors for not releasing it. We consider that the factors for not releasing the information outweighs that for disclosure. Please see **Annex A – Tables 1-3** for full details of our considerations.

If you are unhappy with the way we have handled your request or with the decisions made in relation to your request, you may complain in writing to HS2 Ltd at the address below. Please also see attached details of HS2 Ltd’s complaints procedure and your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI18-2162** in any future communication relating to this request.

Yours sincerely,

### **Alistair Hobbs**

Briefings, Correspondence and FOI Adviser  
High Speed Two (HS2) Limited

## **Your right to complain to HS2 Ltd and the Information Commissioner**

You have the right to complain to HS2 Ltd within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF