

**Annex A – FOI18-2188– Public Interest Test**

<p><b>FOI18-2188</b></p>	<p><b>We understand that you have commissioned a report on the safety case for the Chilterns Tunnel, a long standing concern of this society. We request a copy of the report, and any related correspondence between HS2 Ltd and its authors.</b></p>	
<p><b>Date:</b></p>	<p><b>11 December 2018</b></p>	
<p><b>EIR 2004 – Regulation 12(5)(a) – International relations, defence, national security or public safety</b></p>		
<p><b>Factors supporting disclosure</b></p>	<p><b>Factors supporting non-disclosure</b></p>	
<ul style="list-style-type: none"> <li>• Statutory responsibility to release information to the public in a timely manner as outlined in HS2 Ltd's publication scheme.</li> <li>• General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made and use of funds.</li> </ul>	<ul style="list-style-type: none"> <li>• The information contains details of the locations of safety arrangements of the tunnel containing the review of civil provisions for ventilation, aerodynamics, environmental control and fire-life-safety tunnels of the HS2 project. The report also contains information on tunnel environmental control concepts, tunnel air temperatures, fire-life-safety concepts, self-rescue from the train, evacuation in an emergency and ventilation shafts.</li> <li>• Disclosure of the requested information would provide some assistance to criminals and this would increase the risk of attacks on the network and put public safety at risk. There is a very strong public interest inherent in the exception in national security and ensuring the safety of the public is not affected by the disclosure of this information.</li> <li>• There is no foreseeable benefit to the public in releasing the information. HS2 Ltd considers that were this information to be disclosed, the safety of members of the public could be put at greater risk.</li> <li>• If precise information about the assets were to be placed into the public</li> </ul>	

	<p>domain, the extent of the network's vulnerability to attack would be more clearly identifiable.</p> <ul style="list-style-type: none"><li>• As many of the sites are based on privately owned land, people may use information on the location of the sites 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 tunnelling works take place are subjected to unnecessary harassment or put at any risk.</li></ul>
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**Conclusion:**

The information requested relates to the locations of utility assets, access points and areas of potential vulnerability. This information, if disclosed, would put the safety of members of the public at risk. We therefore consider that 12(5)(a) under EIR 2004 is engaged.

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 information could adversely impact upon the protection of those utilities from acts of sabotage.

We consider that the inherent public interest in maintaining public safety far exceeds any public interest in the disclosure of the withheld information in this case. For these reasons we believe Regulation 12(5)(a) applies and the reasons for withholding the information outweigh the public interest in disclosure.