

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

Regulation 12(4)(d) of the Regulations 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 unfinished documents or to incomplete data”. If the information falls into any one of these categories, then the exception is potentially engaged (subject to a consideration of where the public interest lies).

You can find more information about Regulation 12(4)(d) via the link below:

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>

Factors supporting disclosure

- Releasing the requested information could provide greater transparency, visibility and accountability around the progress of the HS2 programme.

Factors supporting non-disclosure

- Authorities require safe spaces away from external interference and distraction. Disclosure of the requested information at this time would inhibit the HS2 Ltd’s ‘safe space’ to consider information, deliberate on issues and reach well-reasoned decisions.
- There is a strong public interest in ensuring that public officials have a safe space to work candidly and freely without being concerned that information still under consideration could be released in a form that is potentially misleading.
- Disclosure of information that is still under consideration would lead to the diversion of resources to explain issues and engage in public debate regarding matters that are not yet finalised.

Conclusion

The issues of transparency and openness are noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact release would have on decision-making processes. It is evident that release into the public domain at this time is likely to lead to misinformed public debate; this, in turn, would lead to the diversion of public resources to address issues that are still being deliberated.

There is strong public interest in ensuring that public authorities are given space to develop drafts and make informed decisions, without concern that the public debate could be skewed by the release of information that is still under consideration. Consequently, we believe the reasons against disclosure outweigh the public interest in releasing the information.