

Mr Graeme Amis

request-528620-b381a0be@whatdotheyknow.com

23 November 2018

Dear Mr Amis

FOI18-2168

Thank you for your information request of 26 October 2018. I have processed your request under the Freedom of Information Act 2000 ('the Act').

In your email you requested the following information:

"1. The total number of NDAs that HS2 Ltd holds with 3rd parties 2. The names of said 3rd parties. Where this is an individual and would be personal data, please instead provide details of their role in relation to HS2, e.g 'independent consultant for land and property' etc"

Search for information

I can confirm that HS2 Ltd does hold information that falls within the description of your request, however we consider that the cost of complying with your request would exceed the limit provided under the FOI Act. We are therefore refusing your request on the following grounds:

Section 12 - Exceeds cost limit

Under section 12 of the FOI Act, we are not obliged to comply with a request if we estimate that the cost of determining whether we hold the information, locating and retrieving it and then extracting it would exceed the appropriate cost limit (currently £450 for HS2 Ltd). This is calculated at £25 per hour for every hour spent on the activities described and is the equivalent of 18 hours or approximately three working days.

The information that you have requested would not be easy to retrieve because it is not held on a central system but by individual legal team members, and the systems of storage have changed. Your request would require us to arrange for our information technology team to provide the files of all the legal team employees (past and present). Narrowing the information collated would be difficult through the use 'key search' terms due to the broad nature of your request. As such these searches may turn out to be ineffective in identifying the requested information. The legal team would then have to search and review all the files to correctly identify those that fall within scope of your request. We also have a number of Non-Disclosure Agreements which would take at least 5 minutes per agreement to review.

Further, in order to respond to your request, every NDA would need to be checked to confirm whether there are any restrictions in the wording of the NDA that would prevent HS2 Ltd from disclosing its existence.

As a result we have concluded that complying with your request would exceed the time/cost threshold set out in section 12 of the FOI Act.

Section 3 - Narrowing your request

Under the FOI Act, a public authority is not obliged to search for, or compile some of the requested information before refusing a request that it estimates will exceed the appropriate limit. This would ultimately deny you as the requester the right to express a preference as to which part or parts of the request that you may wish to receive that can be provided under the appropriate limit. You may wish to narrow the scope of your request by providing a narrower timeframe or focus on one part of your request. Please note that any refined request we receive will be treated as a fresh request and we cannot guarantee that any relevant exemptions under the FOI Act will not apply to a revised request.

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 **FOI18-2168** in any future communication relating to this request.

Yours sincerely

F Woollard

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