

## **Regulation 12(4)(b) - Manifestly unreasonable requests**

Regulation 12(4)(b) of the Environmental Information Regulations 2004 (the 'Regulations') sets out that a public authority may refuse to disclose information to the extent that the request for information is 'manifestly unreasonable'. A request may be manifestly unreasonable if dealing with the request would create unreasonable costs or involve an unreasonable diversion of resources.

Please refer to the link below which sets out the legislation in full:

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

All exceptions under the Regulations are subject to a Public Interest Test (PIT) 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 outweigh those for disclosure. Please find below full details of our considerations:

### **Public interest in disclosure**

- Disclosure of information would provide greater transparency, visibility and accountability of public bodies.

### **Public interest in maintaining the exception**

- We estimate that we would need to manually review records relating to approximately 6,000 plots in order to identify whether these contained information relevant to the request, and if they did, we would then have to extract the information in order to respond to your request.
- Such an undertaking is a lengthy process which would require the diversion of resources away from their usual business in order to comply with the request. This would result in considerable cost to HS2 Ltd and be an inappropriate diversion of resources.
- There is a strong public interest in ensuring that public funds are expended proportionately, the diversion of resources and the cost to comply with this request exceed that which is reasonable.

## **Conclusion**

The issues of transparency and accountability are noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact dealing with the request would have on the resources available to HS2 Ltd.

There is a strong public interest in ensuring HS2 Ltd can secure the best value outcome for the taxpayer and that all resources are used appropriately.

Therefore, it is considered that in this instance, at this time, to comply with this request for information would place a disproportionate burden on HS2 Ltd. I encourage you to work with HS2 Ltd to identify a relevant search that would not place a disproportionate burden on HS2 Ltd's resources.