

Mr J Marriott

By email: [request-253279-b69fboag@whatdotheyknow.com](mailto:request-253279-b69fboag@whatdotheyknow.com)

18 February 2016

Dear Mr Marriott

**FOI16-1473**

Thank you for your information request received via email on 20 January 2016. Your request has been considered under the Freedom of Information (FOI) Act 2000.

In your email, dated 19 January 2016, you requested the information below. Please note that I have numbered your questions for ease of reference:

**"In your response you stated "David Higgins was providing evidence to the committees discussing the broader strategic context for high speed rail. It might be helpful if I add that David Higgins was not asked to provide a detailed plan for the operation of HS2, this discussion related to the broader concept of how speed relates to capacity."**

**In his statements to the the Committees it is clear that David Higgins presented a concept of how speed relates to capacity in a way that was likely to completely mislead the committees as to the true relationship between speed and capacity on a real railway.**

**It is clear from your response that the briefing note given to David Higgins for the Transport Select Committee was disingenuous in that it totally ignores the scientific fact that trains travelling on the same track at twice the speed will require at least four times the distance to stop. They will therefore need to be spaced four times further apart in distance and twice as far apart in terms of time. Consequently, the capacity of a single track will halve, not double, if trains run at twice the speed.**

- 1. Can you confirm that the briefing note does not correctly explain the relationship between capacity and speed on a real railway when considering the passenger throughput of a single track?**
- 2. Can you provide the name of the person who wrote the briefing note?**
- 3. Did anyone in HS2 Ltd authorise the issue of this note to David Higgins? If so, who was the most senior person who authorised its production and release?**
- 4. Was a separate briefing note regarding speed and capacity prepared for David Higgins' appearance in front of the House of Lords Economic Affairs Committee on 13th January 2015? If so, can you provide that note and supply details of its author and any people who authorised its production and release?"**

I can confirm that we hold some information in relation to your requests.

High Speed Two (HS2) Limited One Canada Square, London E14 5AB  
T: 020 7944 4908 E: [hs2enquiries@hs2.org.uk](mailto:hs2enquiries@hs2.org.uk) [www.gov.uk/hs2](http://www.gov.uk/hs2)

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However, it might be helpful if I explain that the FOI Act ensures transparency of information held by public authorities. It gives an individual the right to access recorded information but does not require public authorities to generate information, answer questions or provide explanations of its methodologies unless this is recorded information that they already hold. For example, a Freedom of Information request would be for a copy of a policy, rather than an explanation as to why we have that policy in place.

We are therefore responding to questions 2 to 4 under the FOI Act and treating question 1 as a general enquiry as it asks for further explanation. Our responses to your requests are provided under each question below.

**1. Can you confirm that the briefing note does not correctly explain the relationship between capacity and speed on a real railway when considering the passenger throughput of a single track?**

As stated in our previous response, the point in the briefing note relates to the broader strategic context for high speed rail rather than a detailed plan for the operation of HS2. The additional capacity that will be created by building a new high speed railway line will free space on the existing network. This can be released to accommodate future commuter, long distance and freight services. Speed is equally important as alternatives such as upgrading existing lines would not deliver the transformative effect that high speed rail will have on connectivity.

**2. Can you provide the name of the person who wrote the briefing note?**

I confirm that we hold information in relation to this request, but in this case we will not be providing it to you as it is exempt from disclosure. Names of HS2 Ltd staff below Senior Civil Service level who are not public facing are withheld under section 40(2) of the FOI Act as the information constitutes personal data about third parties.

Section 40(2) of the Act provides an exception to the disclosure of information where it is:

- the personal data of someone other than you; and
- the disclosure of that personal data would put us in breach of the principles of the Data Protection Act 1998 ("DPA"), with which we are obliged to comply.

The individuals concerned are not sufficiently senior or public facing in their roles and would therefore not reasonably expect us to make such details public on request. In this case, we believe the first principle of the DPA is engaged, namely fairness. The individuals concerned would not expect their personal details to be disclosed, to do so would be unfair; therefore, disclosure would breach the First Data Protection Principle, fairness. Accordingly the details are exempt from disclosure under section 40(2) which is not subject to the public interest test. This approach is in line with our policy not to release names of members of staff below Senior Civil Service Level, an approach accepted by the Information Tribunal.

**3. Did anyone in HS2 Ltd authorise the issue of this note to David Higgins? If so, who was the most senior person who authorised its production and release?**

We do not hold information in relation to this part of your request.

**4. Was a separate briefing note regarding speed and capacity prepared for David Higgins' appearance in front of the House of Lords Economic Affairs Committee on 13th January 2015? If so, can you provide that note and supply details of its author and any people who authorised its production and release?**

No separate briefing note regarding speed and capacity was prepared for David Higgins' appearance at the House of Lords Economic Affairs Committee on 13 January 2015.

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 above address. 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 **FOI16-1473** in any future communication relating to this request.

Yours sincerely

**Jane Ivey**  
Freedom of Information Manager  
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