

Annex A – FOI18-2093 - Public Interest Test

<p>FOI18:2093</p>	<p>Designs of the Chiltern area as per point 22 of the minutes of the HS Chiltern ANOB Review Group on 8 March 2018</p>
<p>Date:</p>	<p>27 September 2018</p>
<p>EIR Regulation: Regulation 12(4)(d) Relates to material which is still in the course of completion; unfinished documents; and incomplete data.</p>	
<p>Factors supporting disclosure</p>	<p>Factors supporting non-disclosure</p>
<ul style="list-style-type: none"> • Facilitating public understanding of an important public project and matters of public concern. • General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made. 	<ul style="list-style-type: none"> • The design proposals are still in preliminary form and being developed following which they will then be consulted upon by the local authorities. As such the information will highly likely be subject to change both before and following the consultation. • It is important for the public to know exactly what options are being taken, rather than options which may not in the end, be relevant. Whilst we are that we can contextualise information we are not confident that this will be sufficient to correct any misleading impressions or confusion that could be created if this information were released at this time – before proposals have been finalised or consulted upon. • Public authorities require a safe space, away from public scrutiny, in which to formulate, discuss and agree designs. There is a public interest in ensuring that public officials have a safe space to work candidly and freely without being concerned that information could be released in a form where it is potentially misleading. Releasing

	<p>preliminary design details could discourage public officials from such a free and frank discussion of all available options and would be detrimental to the decision making process. It is in the public interest therefore that public officials are allowed a thinking space in which to appraise and assess all available options before any information being made public.</p> <ul style="list-style-type: none">• Disclosure of information such as that contained in the draft documents while the design is still ongoing and consultation process yet to begin is would be likely to make it more difficult to bring that process to a proper conclusion.• HS2 is a very high profile project which is subject to a high level of public and media scrutiny. It is contrary to the public interest to disclose information reflecting possibilities before a decision has been made, as such disclosure would be likely to lead to confusion and ill-informed debate, to give spurious standing to such documents or promote pointless or captious debate about what might have happened rather than what did.• Decision-makers should be judged on the final decision and their reasons for it, not on what might have been considered or recommended in draft or preliminary documents.• There is a public interest in favour of ensuring that a public authority does not have to expend resources
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	on justifying information in early draft or preliminary documents.
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Conclusion:

The decision to withhold the information is upheld in the light of the arguments against disclosure. The material in question is still in the course of completion and is subject to change, thus regulation 14(4) (d) is engaged.