

Regulation 12(5)(a) - International relations, defence, national security or public safety

Regulation 12(5)(a) provides an exception from the duty to disclose information if the disclosure would adversely affect international relations, defence, national security or public safety. In this case the exception is engaged because of effect releasing the information would have on national security and public safety.

Harm

Given the nature of the sites referred to in the documents and the work being undertaken, there is potential for serious harm to either protestors or other members of the public. The information could also be used by criminals and terrorists to poison or otherwise interfere with the water supply in the area.

Factors for disclosure

- Where public funds are being spent, there is a public interest in accountability and transparency. In this case releasing information would provide certainty around the progress of the HS2 programme and mitigation measures being considered with respect to specified risks.

Factors against disclosure

- Disclosing locations and activity would allow campaign groups and protestors to target specific areas to try to disrupt or delay the HS2 project. Such activity would constitute a danger to the protestors themselves, to the public in general and to the personnel of the HS2 Ltd and its contractors.
- Release of the detailed information in the reports would not only undermine the security of the particular sites but could also be exploited by criminals or terrorists to disrupt or otherwise interfere with the water supply in this area.

Conclusion

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

We recognise that the public interest in being open and transparent is of great importance and release of information may assist in the public being more aware of the mitigation work that is planned.

However, while the public interest considerations favouring disclosure are noted, this must be balanced against the substantial increased risk to public safety and the impact any release would have on the operational safety of work in the area. The public interest in disclosing information on locations and specific work at this level of detail is outweighed by the adverse effect on public safety and the increased the risk to anti-terrorism measures. There is an inherent and strong public interest in ensuring that public authorities do not endanger the health and safety of the public.

It is noted that the majority of the information has been released which demonstrates openness and transparency regarding the risk assessments and mitigation measures, without compromising the safety of the public by revealing the abstraction sites.

We have therefore determined that on this occasion, the public interest considerations against disclosure outweigh the public interest in release.

Regulation 13 - Personal Data

Disclosing the addresses of the properties in question would lead to identification of individuals, either those currently renting the properties or those who had sold their property to the Secretary of State for the purpose of building HS2. Therefore, the information you have requested is the personal data of third parties.

Regulation 13 provides that information relating to third parties is exempt information, if among other things, the release of the information requested would breach the requirements contained under the first data protection principle. In this case release of the information would not be lawful or fair.

There is a wider legitimate interest for transparency but placing this information in the public domain would lead to an unwarranted level of interference with the person's privacy. It is not needed for us to consider the necessity for disclosure and, in this case, there is no pressing need for us to disclose the information. Therefore, a further balancing test is not required.