

Elizabeth Thirsk

request-680268-f0b8a1b5@whatdotheyknow.com

Date as email

Dear Elizabeth Thirsk,

FOI-20-3751

Thank you for your information request which was received on 28 July 2020. I have processed your request under the Environmental Information Regulations ('EIR') 2004 ('the Regulations') because the information you have requested concerns work affecting the environment according to the definition in Regulation 2. Section 39 of the Freedom of Information Act ('FOI') 2000 ('the Act') exempts environmental information from the Act but requires us to consider it under the EIR.

REQUEST

I am requesting all bat survey data from the last 2 years for the trees in Cubbington woods.

RESPONSE

Please find the information you have requested attached as Annex A. We are withholding some of this information by virtue of Regulation 13 and Regulation 12(5)(g) of the EIR.

- ***Regulation 13 - personal data of a person other than the applicant***

Third party personal data is exempt from disclosure by virtue of Regulation 13. We are therefore withholding the names of the Surveyors found in the attached reports. Further information on Regulation 13 is available via the following link:

<http://www.legislation.gov.uk/si/2004/3391/regulation/13>.

The information you have requested contains the personal data of other persons. 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.

- ***Regulation 12(5)(g) - The protection of the environment.***

We are withholding location data found in the attached reports. Please see Annex B for the reasoning behind this decision.

Right to Review

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. Please find below details of HS2 Ltd's complaints procedure which includes your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI-20-3751** in any future communication relating to this request.

Yours sincerely,

J. Palmer

Briefings, Correspondence & 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 40 working days of the date of this response 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