

Graeme Amis

By email: request-512632-5464ca1d@whatdotheyknow.com

20 September 2018

Dear Mr Amis,

FOI18-2087

Thank you for your information request of 23 August. I have processed your request under the Environmental Information Regulations 2004 ('EIR') as the information requested is environmental according to the definition in regulation 2 of the EIR. Section 39 of the Freedom of Information Act 2000 ('the Act') exempts environmental information from the Act, but requires us to consider it under the EIR.

In your correspondence you requested the following information:

"Please provide minutes of any water liaison meetings, risk assessments or other documentation produced in the last 3 years relating to the risk to the Chiltern Aquifer".

I can confirm that HS2 Ltd holds information related to your request. However, we consider that the time required to identify, locate, extract and review the information requested would place a significant burden on the organisation and that the EIR allows us to refuse your requests on the following grounds:

Regulation 12(4)(b): Manifestly unreasonable

Regulation 12(4)(b) of the EIR allows public authorities to refuse a request for information that is manifestly unreasonable and where the cost or burden of dealing with the request would be too great. The following link sets out regulation 12(4)(b) in full:

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

The information requested is wide ranging and covers a significant number of documents. Each page of those documents would need to be reviewed by more than one member of staff to consider whether any other exception under the EIR would apply to any part of the information. Due to the nature of the documents, and the number of staff required to fulfil our obligations in respect of this request, this would require a substantial diversion of resources from HS2 Ltd's core duties and would place a significant burden on the organisation.

Under the EIR, if one part of a request would be considered a significant burden on the organisation, then this exception covers all parts of the request. A public authority is not obliged to search for, or compile some of the requested information before refusing a request under the exception at Regulation 12(4)(b). This would ultimately deny you as the requester the right to express a preference as to which part or parts of the request that you may wish to receive and that can be provided without placing a significant burden on the organisation.

Public Interest Test

All exceptions under EIR 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 outweighs that for disclosure. Please see **Annex A** for full details of our consideration.

Narrowing your request

Regulation 9(1) of the EIR requires public authorities to provide advice and assistance to requesters. You may therefore wish to consider narrowing the scope of your request by choosing the information which is most important to you.

You may wish to narrow the scope of your request by focusing on one part of your request; *i.e.* the minutes produced over the last three years or providing a narrower timeframe; *i.e.* asking for information produced in only one calendar year.

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 address below. 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 **FOI18-2087** in any future communication relating to this request.

Yours sincerely

Alistair Hobbs

Briefings, Correspondence and 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 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