

Annex B – FOI18-2080R – Public Interest Test

FOI18-2080R	Breakdown of HS2 Ltd compensation fund	
Date:	25 October 2018	
FOI Act 2000 – Section 36 – Effective conduct of public affairs		
Factors supporting disclosure		Factors supporting non-disclosure
<ul style="list-style-type: none">• Compliance with FOIA public authority obligations to be transparent, to assist information applicants with their requests for information and to release relevant information to the public in a timely manner as outlined in HS2 Ltd’s publication scheme.• Disclosure of the requested information would contribute to the development of public debate and facilitate public understanding of an important public project and matters of public concern.		<p><i>Section 36(2)(c) – disclosure would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs</i></p> <ul style="list-style-type: none">• While there is a strong public interest in knowing the decisions and actions taken by HS2 Ltd are meeting transparency and accountability principles, disclosure of all the detail would inhibit the public authority’s ‘safe space’ to consider the information, deliberate on issues and reach decisions. Authorities require a safe space away from external interference and distraction.• The requested information forms part of material which continues to inform future policy decisions and HS2 Ltd staff should be allowed a safe space in which to work freely. There is a public interest in ensuring that public authorities are given space to develop policies and make informed decisions without concern that the public debate could be skewed by the release of potential costs, limitations or risks which will be changing and developing with the programme.• It is important that HS2 Ltd does not have to expend resources on explaining and justifying information related to an ongoing and changing programme to the detriment of project delivery timescales and costs.• Given the scale of the project and its potential impacts upon the general public, the project is subject to a great deal of

	public and political scrutiny, which ensures that we are held accountable in respect of our operations and decision making. This includes the recent publication by the National Audit Office.
<p>Conclusion:</p> <p>Overall, I do not believe that the factors favouring disclosure outweigh the factors favouring maintaining the section 36 exemptions cited above. It is crucial to allow a major transport infrastructure project of this size to be subject to informed scrutiny without fear that this scrutiny will in any way be hampered by uninformed interference. It is important to allow a safe space for this scrutiny to inform the Land and Property Programme development as the scheme design progresses.</p> <p>To this end, I am content that the public interest factors favouring non-disclosure in this case prevail , therefore, the request is refused under Section 36(2)(b)(ii) and (c) of the FOI Act.</p>	