

Annex A – FOI18-2125– Public Interest Test

FOI18-2125	Please could you supply copies of correspondence held, either electronic, paper or otherwise, between Rugeley Power Limited or its agents, representatives, advocates or parent company Engie and High Speed Two (HS2) Ltd in specific relation to HS2 plans to construct a new electricity substation and associated plant, power lines and access provision across the site at the former Rugeley Power Station, Rugeley, Staffordshire WS15 1NZ, for the purpose of providing a power supply to HS2 phase 2a.
Date:	13 November 2018
EIR Regulation: Regulation 12(5)(d) relates to confidentiality of proceedings provided by law	
Factors supporting disclosure	Factors supporting non-disclosure
<ul style="list-style-type: none"> Compliance with FOIA and EIR public authority obligations, including the obligation to be transparent, to assist with their requests for information and to release relevant information to the public in a timely manner. General public interest in the disclosure of information to ensure that public bodies are being held to account regarding decisions made and use of funds. 	<ul style="list-style-type: none"> Correspondence relates to a petition currently before Parliament and was supplied in confidence by both parties. It is not in the public interest to allow the confidential information, opinions or advice into the public domain whilst the petition is ongoing as this would undermine the proceedings. The confidentiality of parliamentary proceedings is protected by law. Disclosure of information on recommendations regarding decision-making will undermine the process of collective policy formulation. HS2 Ltd is mindful of the need for officers to have a safe space to exchange free and frank views with third parties in future when undertaking decision-making. There is a strong public interest in maintaining an environment of confidentiality to encourage the free and frank provision of advice, options available and the

	<p>exchange of views for a deliberative process.</p> <ul style="list-style-type: none"> • If third parties and HS2 staff think that their comments will be disclosed, written correspondence run the risk of becoming bland and empty which will undermine the decision-making process and will lead, inevitably, to a loss of rigour and precision. • Decision-makers should be required to justify statutory decision-making to Parliament based on the final decision and their reasons for it, not on what might have been considered or recommended by others in preliminary or draft internal working documents. Having to consider irrelevant factors disclosed to the public when presenting decisions to Parliament would be a lengthy process and would not be in the interests of Parliament and therefore by extension the public.
<p>Conclusion:</p> <p>The decision to withhold the information is upheld in light of the arguments for withholding outweighing those in favour of disclosing it. In this case, there are strong public interest considerations in not providing the requested data.</p>	