

Annex B – 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)(e) EIR relates to confidentiality of commercial or industrial information where confidentiality is provided by law to protect a legitimate economic interest	
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 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"> • There is a public interest in maintaining the commercial confidentiality of information and opinions put forward to HS2 Ltd. • The release of correspondence on details of land and property requirements and would reduce HS2 Ltd's ability to negotiate prices and would compromise HS2 Ltd's ability to secure good value in future discussions and negotiations with suppliers or contractors by creating market expectations in key rates and allowances. This would be to the detriment of the project and the taxpayer. • The information withheld relates to information provided to HS2 Ltd by an impacted business and their agents. Businesses provide HS2 Ltd with commercially sensitive information in confidence so that HS2 Ltd is able to make robust decisions regarding project design, including ensuring that HS2 Ltd obtains the best value for money and

	<p>those impacted receive fair compensation.</p> <ul style="list-style-type: none"> • The disclosure of the excepted information has the potential to undermine officers' ability to pursue lines of enquiry effectively when exercising their discretion on an issue which may recur in the future. • It is important that HS2 Ltd is able to maintain and build trust with those affected. There is a strong public interest in ensuring that the commercial and economic interests of external businesses and HS2, are not damaged or undermined by disclosure of information which is not common knowledge. It is important that HS2 Ltd is able to work closely with those impacted in an environment where opinions can be made and questions asked without concern they will be published. This safe space ensures fair and effective decision making.
<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>	