



HS2 Limited  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Tel: 020 7944 4908

Anthony Chapman

*Via email: [request-127566-a171464d@whatdotheyknow.com](mailto:request-127566-a171464d@whatdotheyknow.com)*

3 October 2012

## REQUEST FOR INFORMATION

**Reference: FOI12-497**

Dear Mr Chapman,

I am writing regarding your request for information received 28 September 2012. Your request has been considered under the Environmental Information Regulations 2004.

In your email, you requested the following information:

**Thank you for the copy documents. The NFU in their email of 24 August asked you to confirm that you had put an immediate stop on letters going out with references to the NFU and CLA. Your email of 24 August said that you were stopping such letters until they had been reviewed, which would happen in the following week. Presumably you followed that up with subsequent correspondence with the NFU and CLA. May I please have copies of that correspondence.**

In regards to your request above, please be advised that we are relying on regulation 12(4) (a) as we do not hold this information. There was no further correspondence, subsequent to the email dated 24 August, with the NFU and CLA.

Most of the exceptions under the EIR regulations are subject to the public interest test, but the Information Commissioner's Office recognises that it can be impossible to do a meaningful public interest test (PIT) if the information is not held. As such, a PIT has not been carried out. Annex 2 sets out regulation 12 (4) (a) in full.

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 above address. Please also see attached details of HS2 Ltd's complaints procedure and your right to complain to the Information Commissioner (See Annex 1).



Please remember to quote reference number **FOI12-497** in any future communication relating to this request.

Yours sincerely

Wayne Elliott  
Freedom of Information



## **Annex 1**

### **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



## Annex 2

### EIR Exception Reg. 12(4)(a)

**12.—**(1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if—

- (a) an exception to disclosure applies under paragraphs (4) or (5); and
- (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

**12. —**(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

- (a) it does not hold that information when an applicant's request is received;**
- (b) the request for information is manifestly unreasonable;
- (c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
- (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; or
- (e) the request involves the disclosure of internal communications.