

Marrk Keir

[request-722020-05d5940c@whatdotheyknow.com](mailto:request-722020-05d5940c@whatdotheyknow.com)

Date as email

Dear Mr Keir

## FOI-21-4006

Thank you for your information request which was received on 27 January 2021. Your request has been considered under the Freedom of Information ('FOI') Act 2000 ('the Act').

Under the Act, you have the right to:

- know whether we hold the information you have requested
- be provided with that information (subject to any exemptions which may apply under the Act).

## REQUEST

**On Wednesday 27th January, 2021, at 14.40hrs your security operators flew a drone over Jones Hill Wood. The drone was flown well over the still privately-owned area of the woodland.**

**Did you seek permission from the landowner?**

**Did you seek permission of those who make this their home?**

**Did you notify the local farmers who own livestock in the vicinity?**

**What reasoning can you offer for such a flight?**

**I would like to see the full video footage from the flight please, so I can assess if my right to privacy has been breached.**

## RESPONSE

HS2 Ltd will neither confirm nor deny that we hold any of the requested information by virtue of Section 31(3) of the Act. Section 31(3) has been engaged in this instance because we believe confirming whether any information is held, or not, would facilitate intentional targeting or disturbance to the concerned location. This intentional targeting or disturbance would increase the likelihood of criminal activity, damage to land and injury to persons.

As you may be aware, a disclosure under the Act is a disclosure to the world at large and not merely to you as the requester with a specific interest. Once released, information is available to anyone who subsequently requests it. Hence, in considering whether to release information, we must consider the potential for further use of the information.

Whilst we are not questioning your motives for requesting this information, confirming or denying whether information is held regarding the use of drones at Jones Hill Wood as part of the HS2 Project, would reveal the capacity and tactical abilities of HS2 Ltd. This would allow specific locational points to be targeted for the purpose of carrying out disruptive and criminal activities. This information would also enable individuals to gain a greater understanding of the methods and techniques employed or not employed by HS2 Ltd; highlighting strengths and potential vulnerabilities, which would enable criminals to take steps to counter any law enforcement or security efforts.

Please refer to **Annex A**, attached, where you will find a full explanation of the legislation applied.

Please note, no inference can be taken from this refusal that the information you have requested does or does not exist.

### **Requests for information under the Data Protection Act 2018**

If you would like to know whether your own personal data is held, this is handled by way of Subject Access Request, under the Data Protection Act 2018. A Subject Access Request can be made to HS2 Ltd by contacting our Data Protection Officer at: [HS2DataProtection@hs2.org.uk](mailto:HS2DataProtection@hs2.org.uk)

Further information about your right to access your personal data can be found here: <https://www.hs2.org.uk/personal-information-charter/>

### **Right to Review**

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. Please find below details of HS2 Ltd's complaints procedure which includes your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI-21-4006** in any future communication relating to this request.

Yours sincerely

### **On the behalf of Carl Bird**

Briefings, Correspondence and FOI Manager  
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 40 working days of the date of this response 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