

Mr Marrk Keir

request-722020-05d5940c@whatdotheyknow.com

Dear Mr Keir

FOI-21-4006-R – Internal Review response

I am writing in response to your concerns about HS2 Ltd's handling of your request for information (our reference: FOI-21-4006).

I am a member of the HS2 Ltd Executive Team appointed to carry out an independent review of the original decision made in relation to your request, and as someone that was not involved in the original decision.

This review of your original request is an entirely new and separate decision and is explained as such below.

Original request

In your original request received on 21 January 2021 you sought access to the following data:

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.

Internal review

As part of this review response: I have considered the following to ensure that:

1. We correctly interpreted your request.
2. We appropriately responded within the statutory deadlines.

3. That any exceptions used were correctly applied.

With reference to Point 1 above, I can confirm that we correctly interpreted your request for information. Similarly, having looked into Point 2 above, I can also confirm that a response was issued within the statutory timeframe of 20 working days as prescribed by the Information Commissioner's Office (ICO).

In regard to point 3 above, I note that whilst we correctly applied Section 31(3) of the Act, we should have also considered Section 40(5A) of the Act as your request sought your own personal data.

Section 40(5A)

HS2 Ltd will neither confirm nor deny that any information is held regarding the requested information. Your request is for your own information and, as such, if any information exists it would be exempt by virtue of Section 40 (5A) of the Freedom of Information Act. Section 40 (5A) of the Act relieves us of the duty to confirm or deny that we hold any relevant data. Section 40 (5A) is an absolute and class-based exemption which means that there is no need to undertake a public interest test.

In accordance with Information Commissioner guidance and as previously mentioned in our original response, a person's request for their own data should be dealt with as a **Subject Access Request**. Further information about Data Protection, Subject Access and requesting your own data is provided here: <https://www.hs2.org.uk/privacy-notice/>

Please direct your request by contacting our Data Protection Officer at:

HS2DataProtection@hs2.org.uk

No inference can be taken from this refusal that the information you have requested does or does not exist.

Conclusion

I trust that this is now clear, and this response addresses your concerns. If you are not content with the way we have handled your review, you may take this up in writing with the Information Commissioner, please see further details below.

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

Yours sincerely,



Emma Head

Safety and Assurance Director
High Speed Two (HS2) Limited

Your right to complain to HS2 Ltd and the Information Commissioner

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