

Annex B – FOI18-2124– Public Interest Test

FOI18-2124	Please could you supply a copy of any engineers' reports, conclusions and/or recommendations in specific relation to the plans by HS2 to construct a new electrical substation and associated plant and power lines at the former Rugeley Power Station, Rugeley, Staffordshire, WS15 1NZ.	
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">• The documents contain advice from internal and external advisers which was supplied in confidence by both parties, who have a reasonable expectation that the information would not be made public. This is a fundamental concept of English law. The release of these documents would undermine future discussions with these contractors and advisers.• The information withheld relates to information obtained from a HS2 contractor for the purposes of a formal parliamentary process. As such disclosure of this information before proceedings are undertaken would adversely affect these 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. There is a strong public interest in maintaining an environment of confidentiality to

	<p>encourage the free and frank provision of advice, options available and the exchange of views for a deliberative process.</p> <ul style="list-style-type: none"> • There is a strong public interest in ensuring that decision-makers receive full and frank advice from third parties. For practicality, clarity and quality, and the provision of a proper record, such advice will normally be in writing. If advisers think that their advice will be disclosed, written submissions run the risk of becoming bland and empty documents, which will undermine the decision-making process and will lead, inevitably, to a loss of rigour and precision.
<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>	