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Joe Rukin
request-288512-1d89b602@whatdotheyknow.com

FOI Reference: FOI321655
04/11/2015

Dear Joe Rukin

I refer to your request where you asked:

"I would like to know the latest traffic-light rating given to the HS2 project by the Major Projects Authority. I would also like a copy of this report, or at least to know the areas of concern and/or suggested actions which have been recommended."

You also indicated that this request should be dealt with under the EIRs rather than FOIA.

I have interpreted your request to mean that you are seeking the most recent traffic-light rating and report on any part of the HS2 programme. On that basis, I have established that the Cabinet Office holds information within scope of your request.

At the outset, I should make clear that the Cabinet Office has considered which regime most appropriately applies to the information in question, and has concluded that the information held does not meet the definition of environmental information as set out in Regulation 2(1) EIRs.

The Cabinet Office has therefore considered your request under FOIA and has concluded that the information found to be in scope should be withheld under the exemptions at sections 33(1)(b) and (2) and section 35(1)(a) of the Act.

Sections 33(1)(b) and (2) of the Act apply because the Cabinet Office, of which the Major Projects Authority is a part, is a public authority with functions in relation to the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions, and disclosure of the information held would or would be likely to prejudice those audit functions.

Section 35(1)(a) of the Act applies because the information held relates to the formulation or development of government policy. The information held relates to the development of the policy on High Speed 2, which is still ongoing.

These exemptions are qualified, and so it is necessary to consider whether the public interest favours disclosure.

The public interest considerations favouring disclosure are:

- There is a considerable public interest in both understanding government programmes and projects, and also in ensuring their success. In this context, we note the considerable public interest in ensuring successful project delivery, to budget, to ensure the maximum benefits can be realised so that there is value for public money.

- There is a public interest in transparency and accountability so that there can be public scrutiny of whether the Assurance process is effective, particularly in high-risk projects and programmes.

The public interest considerations favouring non-disclosure are:

- There is a clear public interest in maintaining the integrity of the Assurance process as an effective and prompt peer-review process that produces reports based on candid interviews for the benefit of project Senior Responsible Owners. If we disclose reports, project teams may become more defensive when talking to reviewers, harming MPA's ability to provide Senior Responsible Owners with a useful report that helps them to make improvements.
- Effective reviews have a demonstrable value for money to the taxpayer. Reports must be prompt and based on candid interviews and full and frank disclosure from project teams. Fear of immediate publication could hamper this disclosure. It would not be in the public interest to have a weakened, less-effective review.

We have weighed the public interest in disclosure against a stronger public interest in ensuring effective delivery of major projects, and in doing so, ensuring that the functions in place to monitor the progress of these projects operate as effectively as possible. This in turn secures better value for money in the delivery of public services. Taking into account all of the circumstances of this case, we have concluded that the balance of the public interest favours withholding this information.

If you have any queries about this letter, please contact the FOI team. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Roger Smethurst
Head of Knowledge and Information Management
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B. Smith', written on a light blue background.

FOI Team
Cabinet Office