



Joe Rukin
(by email only)

17th February 2016

Dear **Mr Rukin**,

Cabinet Office Internal Review reference: IR321655
(Original case reference: FOI 321655)

REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

Thank you for your email of 4 November 2015, in which you asked for an internal review of our response to your request for information received on 4 November 2015. In your original request you asked for the latest traffic-light rating given to the HS2 project by the Major Projects Authority. I am sorry for the delay in responding.

I have carefully reviewed your request, including your request that this is handled under the Environmental Information Regulations (the EIR). I consider that the initial response was correct in confirming that the latest HS2 report does not fall under the definition of environmental information as per the definition given under Regulation 2 (1) of the EIR.

Whether a request for information comes within the ambit of the EIR or the FOI Act is not determined by the legislation that a person cites in his/her request, but is determined by the content of the information falling within scope of the request; i.e. whether or not it is 'environmental information' as defined in regulation 2(1) of the EIR. The public authority identifies the correct regime by applying the definitions set out in the Regulations to the particular information in question to determine whether the information can be said to be 'environmental' for the purposes of the EIR.

In this case, the Cabinet Office correctly identified your initial request as falling under the FOI Act. Having considered the information in scope, I have concluded that the exemptions stated in the original response were correctly applied. I consider that the public interest test was correctly applied, and that I should uphold the decision given in our letter of 4 November.

If you are unhappy with the handling of your request for information 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

Yours sincerely,

Helen Ewen
Deputy Director, Cabinet Office